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THE LEGAL EFFECT OF ANTE-NUPTIAL PROMISES IN MIXED MARRIAGES.

We present here opportunely the first of a series of three articles on this important subject. Certain English cases decided between 1852 and 1878 held that the ante-nuptial promises to baptize and bring up children in the Catholic religion cannot legally be enforced. A number of English and American decisions have blindly and indiscriminately followed these cases. The present studies by Father White have examined the English and American precedents, have pointed out the bases upon which the English cases rested, namely a twofold one. First, the old statutes in England making it a crime to teach the Catholic religion and forbidding Catholics to be appointed guardians. Second, the then prevailing doctrine that a father was the sole arbiter of the religious upbringing of his children. Today, as Father White points out, neither of these factors exists and therefore reliance upon these cases as precedents is erroneous. He likewise has classified the cases and presents an argument for the extension of the jurisdiction of equity to the protection of "rights of personality," which is in line with modern juristic thought.

The Reverend Robert J. White, author of these studies, is a graduate of Harvard College and of Harvard University Law School. He engaged successfully in the practice of law in Boston for eight years, serving part of the time as Assistant District Attorney for Middlesex County, Massachusetts. He is a member of the Bars of the Supreme Judicial Court of Massachusetts, the United States District Court of Massachusetts, the United States Circuit Court of Appeals for the First Circuit, the Supreme Court of the District of Columbia and the United States Supreme Court. When he decided to give up the practice of law and enter the priesthood he became a theological student in the Sulpician Seminary at the Catholic University and he was ordained in 1931. He is now a member of the Faculty of the Law School of the Catholic University.

Introduction

On the fourteenth day of January, 1932, the Holy Office issued the following

DECREE ON ANTE-NUPTIAL PROMISES IN MIXED MARRIAGES.

It sometimes happens that so-called mixed marriages between a Catholic and a non-Catholic, whether baptized or not baptized, are contracted, after the required guarantees are given indeed, but in such a manner that their fulfillment, especially as regards the Catholic education of the offspring of both sexes, cannot effectively be enforced in some regions because the civil laws oppose it; or even that it can be easily hindered by a local secular authority or an heretical minister, even against the will of the parents.

Lest so important a precept of natural and divine law be frustrated to the great detriment of innocent souls, the Most Eminent and Most Reverend Cardinals charged with safeguarding the integrity of faith and morals, in a plenary meeting held Wednesday, the thirteenth day of January, 1932, having also in mind our Holy Father's recent encyclical letter beginning *Casti connubii*, considered it their strict duty to call the attention of all Bishops and likewise of pastors and others mentioned in canon 1044, who are empowered to dispense from the impediments of mixed religion and disparity of cult, and to oblige them in conscience never to grant such dispensations, unless the couple to be married first give the guarantees, the faithful fulfillment of which no one can hinder, not even by the force of the civil laws to which one or the other may be subject and which are in force in the place of their present residence or (if it be foreseen that they may perhaps betake themselves elsewhere) in the place of their future residence; otherwise the dispensation itself shall be wholly null and invalid.

On Thursday, however, the fourteenth day of the same month and year, our Holy Father Pius XI, by Divine Providence Pope, confirmed this resolution of the Most Eminent Fathers and ordered it to be published, commanding that those concerned shall observe it and see to it that it be observed.[1]

This decree brings attention again to the vexed question of dispensations in mixed marriages. The latest restriction of such dispensations is but another step in the more stringent discipline of marriage, following the spirit of the recent

[1] *Acta Apostolicae Sedis*, xxiv (1932), 15. This translation was made by the Rev. Valentine Schaaf, O.F.M., J.C.D., professor of Canon Law at the Catholic University of America.

encyclical *Casti Connubii.*[2] This reaffirmed the traditional attitude of the Church, which appears in the writings of the early fathers of the Church and the decrees of councils, giving abundant evidence of historic and continued opposition to mixed marriages.[3] Pope Clement VIII, when granting the first recorded dispensation in 1604 for such a marriage, spoke of the novelty of such relaxation.[4] But the missionary progress of the Church in foreign countries and the widespread effects of the sixteenth century losses in Europe brought new and difficult problems relating to mixed marriages everywhere. And though the discipline was relaxed from the hitherto absolute prohibition, the granting of dispensations was always restricted and allowed only for a just and grave cause.[5] Moreover certain *Cautiones* in the nature of formal guarantees were required to safeguard the Catholic religious membership and education of all the children born of the marriage. Succeeding legislation of the Church, both general and particular, has always been unalterably opposed to such marriages,[6] and the present Code of Canon Law expresses this attitude in the strong warning that they are "prohibited everywhere and with the greatest strictness."[7] The United States as other countries has presented the same difficulties, which have increased in seriousness with the modern irreligious trend. The question concerning the binding force of the promise in the *Cautiones* relating to the baptism and education of all the children arises more often in such a nation. The present decree stresses the

[2] 31 Dec., 1930, § "At multum."

[3] F. Schenk, *Mixed Religion and Disparity of Cult* (Washington, Catholic University of America, 1929), p. 17 ff., 82 ff.; Vermeersch-Creusen, *Epitome Iuris Canonici* (2 ed., Malines: H. Dessain, 1930), II, n. 334; Charles Augustine, *A Commentary on the New Code of Canon Law* (2nd ed., St. Louis: B. Herder, 1920), V, 153-157; H. Ayrinhac, *Marriage Legislation in the New Code of Canon Law* (New York: Benziger Brothers, 1918), p. 126 ff.; F. M. Cappello, *De Sacramentis* (Turin: P. Marietti, 1927), III, n. 306; Ad. Tanquerey, *Synopsis Theologiae Moralis* (Paris: Desclée & Co., 1925), I, n. 948 ff.; Code of Canon Law, Canon 1064.

[4] Schenk, *op. cit.*, p. 186.

[5] Authorities cited, note 3, *supra*; Code of Canon Law, c. 1061, § 1, n. 1.

[6] Acta et Decreta Concilii Plenarii Baltimorensis, III, n. 133.

[7] "The Church most severely forbids everywhere marriages between two baptized persons, one of whom is a Catholic, the other a member of a heretical or schismatical sect; and if there is danger of perversion for the Catholic party or the offspring the marriage is forbidden also by Divine law." Canon 1060. See also Canon 1071.

attitude of the local civil law in regard to the promises contained in the agreement, and makes such attitude of vital importance in the matter of the dispensations where the Church permits the mixed marriage. In the United States there are no statutes covering the agreement as such. No statute in any jurisdiction directly forbids and there is only one statute which might be construed as tending to uphold such agreements. The legal effect of the promises will be determined by the common law of contracts and the principles of equity which may apply to this form of agreement.

The influence of civil law in this regard suggests the advisability of an enquiry into the present legal status of ante-nuptial promises given in mixed marriages. The promise in the *Cautiones* that all children of such marriages shall be baptized and educated in the Roman Catholic faith is of particular importance. Such an enquiry shows the need of a form of ante-nuptial agreement that will avoid all ambiguity and meet the essential requirements of the civil law of contracts. Of equal importance is the need of understanding and appreciating the legal reasoning underlying the agreement, which would be of great benefit in preparing and presenting cases in court proceedings to secure the enforcement of those ante-nuptial promises. With such needs in mind it will be useful to submit an analysis of ante-nuptial agreements from the legal viewpoint, of legal precedents dealing with such promises, and of the true nature of the rights and remedies which may aid in preparing and in presenting cases arising in the future. A form of ante-nuptial agreement is finally suggested as suitable not only to express the will of the parties but also to fulfill the requirements of the civil law of contracts.[8]

II. The Apparent Barrier of Legal Precedent.

At the outset of any enquiry into the legal status of the ante-nuptial agreement, an objection will be raised at once in some quarters that legal precedent has already decided against the enforceability of such promises. This line of argument would assert that under our Common Law system courts are bound to follow precedent in the form of prior judicial decisions concerning the same legal question. And that argument would

[8] See infra, Chapter VII.

proceed further and claim that many such decisions now stand collectively as a barrier to the future recognition or enforcement of ante-nuptial promises. Such an argument can be met squarely without any apprehension. The accumulation of so-called precedents in the form of court decisions deserves some critical analysis and appraisal; but it is submitted that after study they will fail to justify the broad conclusions drawn from them. The barrier will be found to be apparent rather than real. It is necessary to examine the English cases with some care; for the American courts, in considering ante-nuptial promises, have fallen into

an undiscriminating citation of an English authority to justify some particular disposition of the case under consideration.[9]

A. THE ENGLISH CASES.

From the religious strife in England drastic laws emerged against Catholics that went so far as to make the conducting of a school by a Catholic or assuming the religious education of a child a crime punishable with life imprisonment.[10] And courts did not hesitate to deprive even parents of custody of their own children, if it seemed likely that the children might not be brought up in the Protestant religion [11] or that a surviving parent contemplated marriage with a Catholic.[12] Though Blackstone cautioned his foreign readers in 1765 that these laws were seldom exerted to their utmost rigor, they still remained a part of the statutory law of England.[13] The statement of Lord Eldon that the court would refrain from interfering with parents in the education of children at that time, 1827,[14] in circumstances in which courts of an earlier date would have taken action to make effective the laws against Catholicism, marks an historic break from earlier precedent. Even as late as 1873 the English Court of Chancery Appeals report refers, in a leading case,[15] to counsel's reference to the then existing statute:

[9] L. M. Friedman: "The Parental Right to Control the Religious Education of a Child", 29 *Harv. L. Rev.*, 485, 498 (1916).

[10] 29 *Harv. L. Rev.* 485, 501 (1916).

[11] 11 & 12 Wm. III, c. 4, sec. 7 (1699).

[12] Edwards v. Wise, Barnard, ch. 139 (1740).

[13] Blackstone, Comm. Book IV, c. 4, p. 57.

[14] Welleslay v. Beaufort, 2 Russ 1, 22 (1827).

[15] Andrews v. Salt, 8 Law Rep. Chancery App., 622 (1873).

12 Car 2, Ch. 24, 58 which incapacitates a Popish recusant from being appointed a testamentary guardian and which is not repealed by the Geo 4, c 7, or the 26 & 27 Vict c 125.

In the presence of such penal laws and the resulting hostile atmosphere nurtured by contemporary literature, no Catholic dared to invoke the aid of the courts to secure any right to control the religious education of his child.

The development of legal doctrine relating to ante-nuptial promises occurred principally in the period 1852 to 1878. In 1852 a high court stated that it was not aware of any prior case seeking to enforce the agremeent;[16] and, in 1878, the Vice-Chancellor emphatically stated that the law had become "thoroughly settled" upon the question—the promises were not enforceable.[17] All cases since then have been but an accumulation built upon the cases decided in those years and resting chiefly upon the leading case of Andrews *v.* Salt, decided in 1873.[18] The first landmark of judicial consideration of the ante-nuptial agreement was In re Browne, 1852, an Irish Chancery proceeding. After hearing the evidence the court found as a fact that the existence of such an agreement had not been proved, and rested its decision on this vital point, saying expressly that there was NO WRITTEN OR SATISFACTORY EVIDENCE OF THE EXACT TERMS OF THE CONTRACT.

This, of course, concluded the court's function in this respect. But the court proceeded to examine the novel question and to deliver an elaborate dictum. Though such language is not valid as binding precedent, it was frequently repeated and has found its way down through the reports since that date. The court said that it was aware of the custom of such stipulation but enumerated such difficulties in enforcing them as the problem of determining custody. Great emphasis was placed upon the difficulty of sequestering funds or property with which to secure such religious training. This can hardly be said to be a practical difficulty today. But, strangely enough, many courts have seized upon this objection and repeated it as a gem of judicial wisdom. And finally in this

[16] In re Browne, A Minor, Rolls 2 Ir. Ch. Rep., 151, 162 (1852).

[17] In re Agar-Ellis, 10 Ch. Div., 49, 75 (1878).

[18] Andrews v. Salt, 8 Law Rep. Chancery App., 622 (1873).

case the court, still speaking obiter, concluded that enforcement would be detrimental to the interests of the public, although it felt that such a solemn agreement should bind the conscience, saying:

> A large portion of natural equity is left to be administered *in foro conscientiae*, because in addition to the difficulty of propounding precise rules applicable to all cases, a greater detriment and inconvenience would probably ensue from attempting to enforce it in the Courts of Justice, than from leaving it to the decision of the power of conscience, and to the various motives by which mankind are ordinarily influenced.[19]

The case of Hill *v.* Hill,[20] which followed ten years later, has also been frequently cited as authority against the enforceability of such promises.

This was a petition by relatives of a deceased Catholic father against his widow who was a Protestant, seeking control of the religious education of a minor daughter. An ante-nuptial agreement was alleged under which the boys were to be educated as Catholics and the girls as Protestants.

After hearing the evidence, Lord Hatherly made his finding that it FAILED TO PROVE THE EXISTENCE OF AN AGREEMENT. It is significant to note in this opinion a dictum in favor of the legal enforceability of the ante-nuptial agreement. This is particularly true; for in subsequent discussion, earlier dicta which are favorable have been overlooked in about the same degree as unfavorable dicta have been paraded as binding precedent. Lord Hatherly said in Hill *v.* Hill that if the parties to the marriage

> enter into an arrangement of that kind which is founded on honor and justice, I confess that I am unable to see any principle on which this court would not give effect to it.

And this statement was approved by the Vice-Chancellor, Sir R. Malins in the later celebrated case of Andrews *v.* Salt.

This brings us to a consideration of that so-called leading case,[21] which has been frequently cited by courts in the United

[19] In re Browne, A Minor, 2 Ir. Ch. Rep., 151, 160.

[20] Hill v. Hill, 40 L. J. Rep. (Eng.), 505 (31 N. S.) (1862).

[21] Andrews v. Salt, 8 Law Rep. Chancery App., 622 (1873).

States as well as in England, and which has been quoted often as the legal authority for the proposition that the promises are not legally enforceable. This case should stand as a notable example of judicial error. Cited often as a controlling precedent, it is in fact no precedent at all.

In legal history the blind following of this case as a decisive precedent displays an utter failure to analyze critically and appraise the FACTS and the significance of a supposedly controlling authority.

The facts in that interesting case were as follows: A Catholic man promised before marriage that the *girls* born of the marriage would be brought up Protestants, and the Protestant wife promised that the boys would be brought up Catholics. In this important respect, namely different religions for the boys and the girls, that agreement differs from the present-day agreement considered in this analysis. The case concerned a daughter. Because of ill health the father went to his mother's home in another town where he remained until his death. He had sent his wife to her mother's home. There the daughter was born and remained until the time of the proceedings eleven years later. The child was baptized and brought up in the Protestant religion, which was *in accord with the agreement.* The father died before the child was a year old. He left a will naming his brother as testamentary guardian and directing that the children be brought up in the Catholic religion. The guardian allowed nine years to pass before bringing court proceedings to enforce the provisions of the father's will. For all of that time, except three months, the child had lived with the maternal grandmother and been educated in the Protestant religion. Finally proceedings were brought which amounted to an attempt to repudiate the agreement; for *the promise was to bring the girls up as Protestants.*

The decision was against the guardian and supported the ante-nuptial agreement. And the court expressly based its finding upon the agreement, the fact that the father had allowed the daughter to be baptized and brought up a Protestant, and the lapse of time before the testamentary guardian attempted to enforce his rights. In the course of the opinion the Vice-Chancellor reviewed the earlier case of Hill *v.* Hill and remarked that Lord Hatherly, the judge in that case,

if he had come to the conclusion that there was such an arrangement he would have attached importance to it; not, indeed, on the question whether there was an abjuration of *all* duties to the child, . . . Therefore I cannot see that there is any abjuration whatever of the duty of a parent in agreeing that, instead of being brought up in that particular form of Christianity to which he himself belongs, the child should, in deference to the feelings of the mother, be brought up in her particular form of the Christian religion. Therefore I entirely agree with what I take to be Lord *Hatherly's* opinion, that if such an agreement as that is established, it is one to which this court would feel every indication to give effect.[22]

An appeal was taken and the appellate court affirmed the Vice-Chancellor and made several additional findings of fact which support the decision; viz., that the child would be dependent upon charity for her support, that those to whom she had been entrusted were willing to continue that support and a separation from her present surroundings could not be made "without prejudice to her happiness, her prospects in life and possibly her health." The Court of Appeals found as the lower court had that the deceased had not only promised his wife that the girls should be educated as Protestants, but also had practically carried out that promise without objection until the daughter was nearly nine years old. The original order and decree affirming it was, of course, the only legal way of determining the matter. The ante-nuptial decree was supported expressly by the Vice-Chancellor and in effect by the Court of Appeal. The counsel for the Protestant grandmother had so many valid arguments in her favor that he did not stress the ante-nuptial agreement in the appeal. He waived its importance, saying expressly that

> It is of no importance whether the ante-nuptial contract could be enforced as a legal contract or not. . . . The real question is the happiness and interest of the child.[23]

The court, however, though deciding that the child should be brought up as the father had promised in the ante-nuptial agreement, and though the counsel had not pressed that agree-

[22] Andrews v. Salt, 8 Law Rep. Ch. App., 622, 628 (note) (1873). (Italics "all" inserted.)

[23] Andrews v. Salt, *supra*, p. 634.

ment in argument, proceeded to consider the effect of such an agreement. And from such consideration came the famous passage which has been so often quoted ever since:

> The first question we shall consider is, what is the legal effect of an agreement made before marriage between a husband and wife of different religious persuasions that boys should be educated in the religion of the father, and girls in the religion of the mother? We are of the opinion that such an agreement is not binding as a legal contract. No damages can be recovered for a breach of it in a Court of Law and it cannot be enforced by a suit for specific performance in equity. We think that a father cannot bind himself conclusively by contract to exercise, in all events, in a particular way, rights which the law gives him for the benefit of his children, and not for his own. We entirely agree with the decision of the Lord Chancellor of Ireland (In re Meades (1)), in which he held that the court could not during the lifetime of a father compel him out of his own funds to educate a child in a different religion from his own. So, also, if after a father's death it appeared to the Court that it was most for the benefit of a child to be educated in the religion of his father, we think that the Court would not abstain from ordering him to be so educated because the father had agreed with the mother that the child should be educated in her religion. On the other hand, if, after the death of the father, circumstances happen, which in the opinion of the Court, make it for the benefit of a child to be educated in the religion of the mother, and the question arises whether the father had so acted that he ought to be held in this Court to have waived or abandoned his right to have his child educated in his own religion, the fact that the father before marriage promised the mother that the girls, the issue of the marriage, should be educated in her religion, is a circumstance to which in our opinion weight, and perhaps great weight, ought to be attached. This appears to have been the opinion of Lord Hatherly, from what he said on the subject in Hill *v.* Hill (1), though in that case he did not think that the fact of the agreement having been made was satisfactorily proved.[24]

In 1878, five years after this case had been decided, the same Vice-Chancellor Malins was confronted with the perplexing question again.[25] A Protestant had orally promised his Catholic wife-to-be that all children should be brought up

[24] James L. in Andrews v. Salt, 8 Law Rep. Ch. App. Cases, pp. 635, 636, 637 (1873).

[25] In re Agar-Ellis, 10 Ch. Div., 49 (1878).

in the Catholic religion. The first child was baptized a Catholic against the wishes of the father. The religious discord continued until the father brought a petition to have the children made wards of the court and to have directions made covering their religious education. The mother filed a counter petition to have the children educated as Catholics.

Previously, in Andrews *v.* Salt, Sir Malins had said that he could see no principle of law in opposition to enforcing the ante-nuptial promises. There he had said that he "entirely agreed" with Lord Hatherly's judgment that if such an agreement was proved to exist, "it is one to which this court would feel every inclination to give effect."[26] But now his attitude was entirely different. The agreement no longer is persuasive, and a father's promise to bring the children up in a religion other than his own is "*thoroughly settled not to be binding.*" Citing In re Browne, he then refers to the situation where a father permitted a child to be brought up in another religion until the child was old enough to be capable of entertaining particular religious views, and adds: "*That was the ground on which I refused to interfere and on which* the Court of Appeals *refused to interfere in Andrews* v. *Salt.*" And he concluded that Andrews *v.* Salt was "the latest authority on this subject." No new case had arisen. In view of the scanty amount of judicial precedent it is certainly fair to ask, when and how did it become *thoroughly* settled that the promise was not binding? Five years before, the Vice-Chancellor had described the arrangement as one "founded on honor *and justice.*" Now, completely ignoring that opinion, he expresses sorrow and regret that the wife

> has set at defiance the authority of the father over the children . . . seeming to have entirely forgotten that by the laws of *England*, by the laws of Christianity, and by the Constitution of society, when there is a difference between husband and wife, it is the duty of the wife to submit to the husband.[27]

Apparently the respected Chancellor had entirely overlooked the fact that she had married under that express stipulation. And likewise, he had forgotten his own agreement with Lord

[26] Andrews v. Salt, *supra*, p. 628.

[27] In re Agar-Ellis, 10 Law Rep. Chanc. Div. 49, p. 55 (1878).

Hatherly that the court would feel every inclination to give effect to such an agreement and knew of no principle or law which would preclude such aid. But if the Vice-Chancellor was embarrassed he turned his friendly glance toward Ireland and was relieved to find that Lord O'Hagan, who the Vice-Chancellor is careful to tell us is "a Roman Catholic as we all know," had given a decision against the enforceability of the agreement. In that case a Protestant had made the agreement before marrying a Catholic woman. She died, leaving two children eleven and eight years old. The father had his wife's sister come into the home, agreeing to have her continue their Catholic training. Contemplating another marriage, he changed his attitude and insisted on the children now becoming Protestants. It is to be noted that the mother had died. The ensuing controversy resulted in a petition by the aunt against the father, asking that the children be made wards of the aunt, and that the father be restrained from interfering with the Catholic training. Lord O'Hagan refused to interfere with the father, though he intimated a different result would have been possible if the remedy had been sought earlier, and had he found that the children had acquired a settled Catholic religious belief. The opinion is highly entertaining. It starts off in high tempo:

> The authority of a father to guide and govern the education of his child is a very sacred thing, bestowed by the Almighty and to be sustained to the uttermost by human law. It is not to be abrogated or abridged, without the most coercive reason. For the parent and the child alike, its maintenance is essential, that their reciprocal relations may be fruitful of happiness and virtue; and no disrupting intervention should be allowed between them, whilst those relations are pure and wholesome and conducive to their mutual benefit.[28]

A grandiloquent paragraph it is—but beside the question! Had the father not abridged his right by the agreement? Exaltation of paternal power even leads the jurist into the lyrical and poetic passage:

> Morning, noon, and night—month after month—they are subjected to the influence of a father to whom they are unquestionably devoted; and as

[28] In re Meades, Minors, 5 Ir. R. Eq., 98, 103 (1871).

"Our nature is subdued
To what it works in, like the dyer's hand." [29]

Finally, after much elaboration, he wistfully concludes:

I do not know what may be the future of these little ones, whether as the palimpsest often shows freshly the original inscription after it has been long concealed, the impressions communicated at the mother's knee may not find development hereafter, or whether those by which they have been covered and subdued may not forever forbid their re-appearance, no one can tell with any confidence.[30]

Entranced by Lord O'Hagan's phantasy, Vice-Chancellor Malins departed from his former opinion that the ante-nuptial arrangement, founded on honor and justice, should be and would be enforced by the law. The Court of Appeal affirmed the decision but expressly stated that the "ground on which we base our decision on the main subject viz. — *the power and jurisdiction of the father.*" [31] The hostile atmosphere towards the Catholic religion, however, is felt in the opinion of James L. J. in these passages:

The mother conceived herself to be warranted in disregarding her husband's express and positive wishes and commands as to the religious education of her daughters, and availed herself of all the opportunities afforded by the relations between a mother and daughters, who had never been separated, not only to impress their minds with the great cardinal truths and the religious and moral duties common to both modes of faith, but to instruct and indoctrinate them, so far as they were capable of receiving them, with the peculiar tenets constituting the characteristic difference of her own Church, and to accustom them, as a matter of religious duty, to the performance of certain religious acts, the practical expression of those peculiar tenets, such as the adoration of the Virgin, the invocation of patron saints, and the practice of confession. . . . And, being of opinion that the father has retained his right to direct the religious education of his children, and the father being minded that they should not be taken to mass, confession, or the like, the causing or permitting them to be so taken, in direct disobedience to the father's commands, is a wrong to them as well as to him.[32]

[29] In re Meades, Minors, 5 Ir. R. Eq., 98, 100 (1871).

[30] *Ibidem*, pp. 117-118.

[31] Agar v. Lascelles, 10 Law Rep. Chanc. Div. 49, 76 (1878). (Italics inserted.)

[32] Agar-Ellis v. Lascelles, 10 Law Rep. Chanc. Div. 49, 70, 75 (1878).

The doctrine of Andrews *v.* Salt was now seemingly entrenched in English law. To take successive cases of so-called precedents and to add a detailed analysis of each would lengthen this consideration unnecessarily. The reasoning of the decisions in cases cited now in England and also in the United States against the enforceability of ante-nuptial promises reveals a striking absence of relevancy in nearly all the cases. Several have the feature, common to some of the cases cited above, that no ante-nuptial agreement existed between the parties.[33]

In another case, the court found that the agreement was not made before marriage.[34]

Another court questioned whether the agreement before it was a contract between the parties or an agreement with the Church.[35] But it added that it was clear law that such an

[33] *Stourton v. Stourton,* 8 De. G. M. & G., 760 (1857). This is another early case which is frequently cited. Both parents of the child were Catholics at the time of marriage. Consequently there was *not any ante-nuptial agreement.* The father had died and the mother had become a Protestant. The relatives of the Catholic father delayed five years while the boy, a lad of ten, followed his mother in becoming a Protestant. The court interviewed the lad and found that he seemed to have had "more minute and close instruction as a Protestant, upon some at least of the main points of difference between the Church of England and that of Rome, than is usual in England with boys of his age" (and concludes) "that the child's tranquillity and health, his temporal happiness, and, if that can exist apart from spiritual welfare, his spiritual welfare also, are too likely now to suffer importantly from an endeavor at effacing his Protestant impressions, not to render such attempt unsafe and improper."

It may be remarked in passing that such language points to our later claim in this paper that religious belief and human happiness are so interwoven that the right of *the Catholic party acquired by the agreement* to control the religious education may fairly be said to be a right of personality, and further that baptism and early religious training is important in fixing religious status.

Hawksworth v. Hawksworth, Law Rep., 6 Chancery App., 539 (1871).

A Catholic man married a Protestant. *They did not enter into an ante-nuptial agreement.* He died leaving a widow and an infant daughter six months old. Eight years later in a suit instituted for the administration of the deceased's estate the court made an order that the child should be brought up in the religion of her father and refused to interview the child. The court felt that the principle of *Stourton v. Stourton,* (*supra*) in examining the child to see whether it had acquired distinct and fixed religious views should be limited.

[34] *D'Alton v. D'Alton,* Law Reports, 4 Prob. Div., 87 (1878). The agreement was made several years after marriage and in consideration of the wife granting a reconciliation to her husband, who had been living in adultery. The child was placed in the custody of a third party on the ground that it was for the best welfare of the child.

[35] *In re Nevin,* 2 Law Rep. Ch., 299 (1891). The temper of this opinion

agreement was not binding upon the authority of Andrews *v.* Salt. It neglected its own duty to determine whether an agreement existed, before discussing its legal effect. Curiously the court repeats Lord O'Hagan's classic difficulty with such agreements in compelling a father to educate, out of his own funds, a child in a religion different from his own.

In other cases the court decided that the Catholic party had lost whatever rights he had by laches—the failure to assert rights over a long period of time such as nine years in one case; [36] or had lost his rights by misconduct.[37] In other cases the court decided that any rights under the agreement were waived by the party permitting the child to be "openly introduced to a communion directly opposed" to his parent's alleged religious belief.[38] And, in another case, the court found that the petitioner was a "nominal Catholic" who had allowed his child to be brought up in another religion until it had acquired contrary settled religious convictions.[39] Thus *it can be readily understood and appreciated that* English precedents lose heavily when subjected to legal criticism rather than mechanical approval. What remain can be further reduced by the elimination of those cases which rest upon the doctrine, no longer law, of the father's supreme right in the family domain.[40] It is a doctrine largely changed now by statute and decision. But in these cases it had far-reaching effect, often controlling the decision and affecting the consideration in nearly every case. Such extreme language as characterized the decisions seems strange today. The courts called the father's right "an absolute right," which is not to be "abrogated or abridged without the most coercive reason." [41] It

can be seen in the remarks of *Kay, L. J.*, that the promises were not "as I think by reason of any agreement between themselves, but in consequence of a rule of the Romish Church" (p. 315), and of *Lindley, L. F.*, "whether it is to be regarded as a contract between the husband and wife I do not know—it rather looks like a condition imposed by a higher power" (p. 311).

[36] Stourton v. Stourton, *supra.*

[37] D'Alton v. D'Alton, Law Reports & Prob. Div., 87 (1778). In re Newton, 1 Ch. 740, (1896).

[38] Hill v. Hill, Law Jour. 40, N. S., Vol. 31, pp. 505, 512 (1862).

[39] In re Ward, 2 Irish Reports, K. B. Div., 19, 32 (1924).

[40] It will be noted that some of these cases have already been considered in this study.

[41] In re Scanlon, 40 Law Rep. (Ch. Div.), 200 (1889). In re Gray, 2 Ir. Rep. K. B. Div. 684, 687 (1902).

is an undoubted right "as master in his own house, as king and ruler" and a right that has been supported "by every case in this court."[42] The child is not to be removed from his custody even where the father is living in adultery,[43] and the father's right of control persists even after death.[44] The father's right to control the religious education was not affected by the liberalizing Guardianship of Infants Act of 1886.[45] This preponderant legal power of the father in matters of custody and religious training has been reduced drastically by the late English statute of 1925, Ch. 4, Sect. 1, as follows:

> Where in any proceeding before any court (whether or not a court with the meaning of the Guardianship of Infants Act (1886)) the custody or upbringing of an infant . . . is in question . . . the court in deciding the question shall regard the welfare of the infant as the first and foremost consideration and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father in respect of such custody, upbringing . . . is superior to that of the mother, or the claim of the mother is superior to that of the father.

This is of great importance in our present consideration, because the great stress laid upon the father's former extreme right may fairly be said to have been a determining factor in shaping precedent in practically all of those cases.[46] The modern courts find no great difficulty in determining that the father may lose his right.[47]

The words in which judge after judge refers to what I thus call the loss of his right to dictate the religious education of his children are almost bewildering in their variety—He may "lose" it; he may "abandon" it; he may "forfeit" it; he may "abdicate" it; he may by his conduct "disable" himself from making an application to

[42] In re Meades, 5 Ir. R. Eq. 98 (1870). In re Agar-Ellis, 10 Ch. Div. 49, 75 (1878).

[43] Malins, V. C., In re Agar-Ellis, 10 Ch. Div. 49, 57 (1878).

[44] Lord O'Hagan: In re Meades, Minors, 5 Ir. R. Eq. 98 (1871), quoting Ball v. Ball, 2 Sim., 35 (1857).

[45] Stourton v. Stourton, 8 De G. M. & G. 760 (1857). Davis v. Davis, 26 J. P. 260 (1862). Hill v. Hill, 40 L. J. Rep. 505 (31 N. S.) (1862). Hawksworth v. Hawksworth, Law Rep. ,6 Ch. App. 539 (1871), p. 19.

[46] In re Scanlon, 40 Law Rep., Ch. Div., 200 (1889). In re Story, Ir. Rep., Vol. 2, p. 328 (1916).

[47] Davis v. Davis, 26 J. P. 260 (1862). Hill v. Hill, 40 L. J. Rep. 505 (31 N. S.) (1862).

the Court. He may "disentitle" himself. He may place himself in such a position as to render it not merely better for the children, but essential to their safety or welfare in some very serious and important respect, that his rights should be treated as lost or suspended —should be superseded or interfered with.[48]

Before drawing final conclusions from this review of the English authorities, it is well worth while to pause and, having in mind the present tendency to enforce rights of personality, to see running through the cases a strand of judicial feeling that the agreement should be enforced in justice to the Catholic party, if the court were unhampered by precedent and practical difficulties. This feeling is illustrated by the following extracts from opinions:

An ante-nuptial agreement is one which he may consider himself bound in honor to carry out but it is not legally binding.[49]

The Vice-Chancellor said:

Therefore I entirely agree with what I take to be Lord Hatherly's opinion, that if such an agreement as that is established it is one to which this Court would feel every inclination to give effect.[50]

In a later decision in Scotland the court, in effect, carried out the agreement made by a Protestant woman with a Catholic husband, but expressly rested its decision upon the father's superior right. Speaking of the mother's (respondent's) promise, that the children should be brought up as Catholics, one of the judges said:

Now, I think that, giving a fair construction to the undertaking which was signed by the respondent in this case, that meant that the education of these children should be continued to be given by that denomination. And accordingly, upon that ground I take the view that the position of the respondent is not justified.[51]

The possibility of the father's preponderant right yielding was referred to by another judge in the same decision.

[48] Dodd, J., In re Story, 2 Ir. Rep. K. B. Div. 328, 351 (1916).

[49] Bowen, L. J., In re Nevin, 2 Law Rep. Chanc. 299, 313 (1891).

[50] Andrews v. Salt, L. R. 8 Ch. App. 622, p. 628 (1873).

[51] Lord Mackenzie, one of the judges in O'Donnell v. O'Donnell, Scotland, S. C., 14, 19 (1918).

The view which has been taken by the Courts, both in this country and in England, is, I think, both just and expedient, viz., that prima facie it is in the interests of a child that he should be educated in the religion of his parents, or, if there be a difference between the religion of the father and of the mother, in the religion of the father. This rule is very far from being a universal one, and in certain familiar classes of circumstances it has to yield to other considerations.[52]

And the agreement may be

"a circumstance to which weight, and perhaps great weight will be given" in the language of an English court.[53]

And the question arises whether the father so acted that he ought to be held in this court to have waived or abandoned his right to have his child educated in his own religion. The fact that the father before marriage promised the mother that girls, the issue of the marriage, should be educated in her religion, *is a circumstance to which, in our opinion, weight, and perhaps great weight, ought to be attached.*[54]

The language of Lord O'Hagan was adopted verbatim by the Vice-Chancellor in an English case:

and one can hardly avoid a feeling of natural regret that an engagement so solemn, so openly avowed, so strengthened by repetition, so confirmed by the consecration of the grave, should have been disregarded.[55]

It can be seen from this brief analysis that many English cases are not valid precedents against the enforceability of ante-nuptial promises. The body of supposedly contrary precedent is strikingly reduced by the elimination of those cases in which the court *failed to find that an ante-nuptial agreement existed.* From the remainder it is fair to exclude all those *which were decided on grounds other than the agreement,* such as the misconduct of the Catholic party or his open waiver of rights acquired through the agreement. And the balance can finally be reduced to the minimum by the elimination of those which rest upon the now obsolete doctrine that

[52] Lord Skerrington, in O'Donnell v. O'Donnell, Scotland, S. C., 14, 19 (1918).
[53] In re Clark, 21 Ch. Div., 817, 824 (1882).
[54] Lord O'Hagan, in In re Meades, 5 Ir. R. Eq. 98 (1873). (Italics inserted.)
[55] In re Agar-Ellis, 10 Ch. Div. 49, p. 58 (1878).

a father is absolute "king and ruler" possessed of an inalienable right to control the religious upbringing of the children. So diminished is the body of the precedent after these legitimate deductions that only one English case decided by a high court stands out, in which the agreement was contested during the life time of the parties and repudiated by the courts.[56] And this case Agar-Ellis depends upon *Andrews* v. *Salt,* a mistaken precedent, and upon *In re Meades,* the Irish phantasy of "father power" by Lord O'Hagan.[57]

B. THE AMERICAN CASES.

As has been said earlier, the American courts have cited without discrimination the supposed English precedents, and they have erred seriously in the use of American precedents as well. For, in citing the latter, courts have cited many cases as precedents against the enforceability of the promises, in which the parent was unmarried,[58] one or both parents were dead,[59] a statute controlled the decision,[60] or the court was without jurisdiction to pass on the question.[61]

The Supreme Court of the United States has not passed upon the question of the legal enforceability of the ante-nuptial promises; nor have the Supreme Courts of most of the states, including the more populous states of New York, Illinois, Massachusetts and California. The other courts which have considered the matter have often been lower courts. They have carefully avoided the religious question and rested the decision upon any other possible ground. Not one case is reported in which a supreme court considered the enforceability of the promises during the life-time of the parents.

All of the American courts that have considered the ante-nuptial agreement have weighted down their decisions with heavy citations of those English cases, which we have previously discussed. It is apparent that several of the American courts, when citing English cases, have either not read the actual

[56] In re Agar-Ellis, 10 Ch. Div. 49, p. 58 (1878).
[57] In re Meades, 5 Ir. R. Eq. 98 (1873).
[58] Purinton v. Jamrock, 195 Mass., 187; 80 N. E., 802 (1907).
[59] In re Lamb's Estate, 139 N. Y. Supp., 685 (1912).
[60] In re Laura Doyle, 16 Mo. App., 159 (1884).
[61] Brewer v. Cary, 148 Mo. App., 193; 127 S. W., 685 (1910).

decisions, or totally failed to appraise their legal value. And it may be said at this point that the propriety of such citation may be seriously questioned. To be sure, the common law of England does stand in some degree as valid precedent for American courts. But that use has distinct limitations, particularly where religious matters are the subject of the proceedings. As one New York court has said:

> This is a land where all forms of religion are both free and protected, and where the rights of fathers, within the law, are still recognized and enforced in proper cases. . . . These are tremendous differences, and thus it is that the common law of the people of this state and that of the people of modern England are very often very far apart in principle and application.[62]

Are such English decisions as we have considered, made at a time closely following a long period of Catholic persecution, when some disabling statutes still remained in force, and given in a place where state religion opposed Catholicism, still valid precedents in United States courts? Can they properly be applied in the full vigor of their anti-Catholic tenor in a country such as ours committed to the principle of religious equality and the denial of a state Church? American courts have not paused to think about this and have rushed headlong into a promiscuous citation of English cases. In considering these cases, it is convenient to limit our immediate enquiry to the few American cases most often cited. We shall take up the others in a subsequent chapter dealing with cases arising after the death of one or both parents and involving the added question of award of custody. They form a separate group and have been decided frequently by reference to a particular statute.

The American case cited most frequently against the enforceability of ante-nuptial agreement is Brewer *v.* Cary,[63] a Missouri case. A Catholic woman married a Protestant who made the ante-nuptial promises. Three children were born to the couple. The Catholic mother died. Her father, who had been god-father as well to one of the children, brought a bill in equity against the father, who had determined to bring up the children Protestants. The petition asked that the other

[62] In re Lamb's Estate, 139 N. Y. Supp., 685 (1912).

[63] Brewer v. Cary, 148 Mo. App., 193; 127 S. W., 685 (1910).

children be baptized and that all be brought up in the Catholic religion. The father demurred on three grounds: (1) *that the court did not have jurisdiction of the action;* (2) that the complainant, as god-father or as grand-father, did not have a legal standing in court as complainant in the action; (3) that the facts alleged did not constitute a sufficient basis for legal action. A demurrer in law is equivalent to an admission of the facts alleged, solely however for purpose of argument, and a challenge to their sufficiency as a matter of law in stating a legal cause of action. A demurrer to the jurisdiction of the court strikes directly at the very right of the court itself to consider and to adjudicate the matter in question. Jurisdiction is the very first and fundamental requirement for the validity of a court's decree. To give judicial proceedings any validity, there must be a competent tribunal.[64] That is elementary. Hence, it is clear that the first objection *"that the court did not have jurisdiction of the action"* was fundamental. If the court did not have such jurisdiction, and so decided, then the matter was terminated. *And the court decided precisely that.* Viz.: it did not have jurisdiction. But, instead of stopping there, the court proceeded to deliver an opinion which clearly falls outside the definition of controlling legal precedent and into the broad remainder *of legal opinions called dicta.*

The opinion of the court is binding precedent only so far as it expresses the statement of law *necessarily* involved in deciding the particular proceeding before it.[65] So far as the opinion goes beyond a statement of the proposition of law necessarily involved in the case, the words contained in the opinion, whether they be right or wrong, are merely words spoken, *dicta.* No *dictum* is authority of the highest sort. To give it such weight would be to give judges power to decide in advance a case not before them for adjudication, a merely hypothetical case, and to bind by their opinion the court before which that hypothetical case may eventually become an actual proceeding.[66] The Federal Court in an opinion of a Circuit Court of Appeals has expressed the accepted meaning in the following passage:

[64] Pennoyer v. Neff, 95 U. S., 714 (1877).
[65] Boggs v. Waun, 58 Fed., 681 (1893) (U. S. D. C.).
[66] E. Wambaugh, *The Study of Cases,* pp. 12-14.

A dictum is defined to be "an opinion expressed by the court which, not being necessarily involved in the case, lacks the force of an adjudication." The Supreme Court of the United States has held that, in order to make an opinion a decision, there must have been an application of the judicial mind to the precise question necessary to be determined to fix the rights of the parties; and, therefore, said the learned judge delivering this opinion, "this court has never held itself bound by any part of an opinion which was not needful to the ascertainment of the question between the parties." [67] The writer has emphasized this difference between opinion which is valid precedent and opinion which is merely dicta, because of its importance in appraising the value of this decision in *Brewer v. Cary*. To repeat, in its opinion the court in this case had decided that it did not have jurisdiction. Whatever it said beyond that finding would clearly lack the prestige of established precedent controlling the determination of future proceedings and would be entitled only to the deference which is given to a judge's opinion.[68] In brief conclusion, referring to the ante-nuptial promise to rear the children in the Catholic faith, the court expressed a vigorous opinion that the contract was not enforceable at law or in equity.[69]

In the course of its decision this court referred with approval to the language used in the case of *In re Laura Doyle* decided by a lower court also in Missouri.[70] And, since this case has also been frequently cited as authority against the legal value of the ante-nuptial promise, it is worth while to examine the facts of this latter case, the decision, and the curious temper of the opinion. It was a petition for a writ of habeas corpus instituted by a Catholic father to secure custody of his child. The child's mother was dead. The father had placed the child in an orphanage, which gave the child to the defendant, a Protestant. No consent for such transfer had been given by the father. The court, of course, granted the father's petition. The facts of the case presented no difficulty. The father's paramount right as parent to custody of the child, and

[67] In re Woodruff, 96 Fed., 317, 322 (1899).
[68] In re Woodruff, 96 Fed. 317 (U. S. D. C.) (1899).
[69] Brewer v. Cary, 148 Mo. App., 193; 127 S. W., pp. 685, 688 (1910).
[70] 16 Mo. App., 159 (1884).

the welfare of the child, were the two determining legal principles governing the decision. But the judge, one Justice Bakewell, delivered a lengthy opinion, irrelevant and characterized by a marked religious bitterness.[71] He said that, in determining custody, the courts decide the matter

> with a view mainly to the child's interest, which we must look upon as altogether paramount to the claims of its father, who is not vested by the law with any absolute right to its custody. . . . In determining what will be best for the child, we cannot under the system of law which we are appointed to administer, look at that (religion). . . . She (the State) looks with equal eye upon all forms of a so-called Christianity and subjects no one to any disability for rejecting Christianity in any form, nor for rejecting the generally accepted doctrines of natural religion. A father in Missouri forfeits no rights to the custody and control of his child by being, or becoming, an atheist. Nor are his rights in this respect increased before the law by his believing rightly. The law does not profess to know what is a right belief.

It requires no astute legal reasoning to discount the legal value of these two decisions. The former was made by a court which admitted its own lack of jurisdiction; and the latter by a court which based its decision upon totally different grounds, though proceeding in addition to express its religious venom.[72] These two cases, with the earlier English cases, particularly Andrews *v.* Salt, have raised the apparent barrier of precedent in the United States against the legal enforceability of ante-nuptial promises; for these cases have been cited repeatedly to prove that the agreement is not legally binding. The American cases which were decided with reference to statutes will be considered in a later chapter. As in the English cases, it will be seen also in the American cases that scarcely any have occurred during the lifetime of the parents. The question of the legal enforceability has usually arisen in situa-

[71] In re Laura Doyle, *ibidem,* p. 166.

[72] "To the Protestant, the Catholic religion must be a system of superstition; to the Jew it must be one of imposture; and, to the unbeliever, the old historic religions of the Jew and Catholic, and the various sects of Protestantism, are alike false, and the profession of any of them a confession, so far, of moral or intellectual weakness."—*Ibidem,* p. 167.

". . . . both the father's and the mother's side are all Catholics—and Irish Catholics—that is to say, Catholics of the very strongest hereditary faith."—*Ibidem,* p. 169.

tions where the question of custody was before the court after the death of one or both parents. However a few more cases are reported in which the enforceability of the agreement was considered. An early Pennsylvania court [73] intimated that the ante-nuptial promise would be binding if action had been brought while the Catholic spouse was living. In the actual facts presented to the court, the Protestant father was dead and the mother insane. The father had been unable to provide for the children, who had been placed in the home of the Protestant grandmother and had been brought up as Protestants. A maternal aunt petitioned for custody several years after the death of the father. The court refused the petition of the Catholic maternal aunt "because of the age of the children, their hitherto religious training and environment, their antipathy to the proceeding" and the delay of several years by the Catholic aunt in bringing the petition.[74] Several very substantial grounds were relied upon by the court for its decision. However, the court said that it would have decided otherwise and would have granted the petition of the Catholic aunt if the proceeding had been brought while the children were still young, and further, that the ante-nuptial agreement would have been the basis for such decision. The court said:

It is not likely that the father would have raised any objection, and, if he had, his stipulation entered into at the time of his marriage would have been a sufficient answer.

This, of course, has only the value of dictum. The strongest declaration by an American court in favor of the enforceability of the ante-nuptial promises is a dictum of an Ohio court. The parents had entered an ante-nuptial agreement. After the death of the parents, the relatives of the father and mother brought a court proceeding to determine custody. The decree allowed custody to remain with the paternal Protestant uncle. But the court explicitly declared that:

the father indicated the strongest intentions to utterly repudiate the promises that he had made at the marriage altar, and so solemnly subscribed, as a part of the consideration entering into marital relations with Anna Scanlon. . . . As between the parties . . . when

[73] Comm. v. McClelland, 70 Pa. Sup. 273 (1918).
[74] Comm. v. McClelland, *ibidem*.

the wife was living the binding force and inviolability of this contract would be recognized by all courts, and sanctioned by the moral sense of all mankind, . . . If this controversy . . . was between the father and the mother, a court would utterly fail in its duty not to make this agreement work an estoppel (bar) of the father's right to divert the course of religious nurture so provided for. . . . The law gives force to such a compact in dealing with the rights of parents . . . the agreement has binding operation in point of law.[75]

It can easily be seen that there is an absence in American decisions of any body of precedent against the legal enforceability of the agreement. It is only an apparent barrier raised by the careless citation of supposed precedents and oft-repeated dicta. However robust in expression, dicta cannot thus raise themselves by their bootstraps to the elevated rank of controlling precedents. Both English and American cases are of illusory power only. The real paucity of legal decisions is apparent. With pre-judgments based upon such mistaken precedents removed, the courts may proceeed to consider the real nature and effect of the ante-nuptial agreement.

III. The Ante-Nuptial Agreement as a Legal Contract.

It is submitted that the ante-nuptial agreement, containing as it does the non-Catholic's promise to have the children of the marriage baptized and educated in the Catholic faith, given in exchange for the promise of the Catholic to marry and his or her consequent change of status, fulfills the requirements of a legally binding contract. "Contract" has been variously defined as

a promise, or set of promises, to which the law attaches legal obligation,[76]

or as:

a promise, or a set of promises, for the unexcused non-performance of which the law gives a remedy or the performance of which the law in some way recognizes as a duty.[77]

[75] In re Luck, 10 Ohio, Dec., p. 1 (1900).

[76] Williston on Contracts, Sect. 1 (1920).

[77] Restatement of the Law of Contracts, American Law Institute, Chap. 1, Sec. 1.

The American Law Institute, composed of legal experts, prominent lawyers and judges in the U. S. has attempted an authoritative restatement of the law. The law of contracts has been recently completed. It is this statement that is relied upon in this text.

The law gives legal force and effect to promises of this type of agreement as contrasted with the more formal requirements of contracts under seal. Indeed, in this type of contract, the following conditions alone are necessary; namely, those which show the element of mutual assent and the technical legal consideration as known to the common law: viz., (1) parties of legal capacity; (2) an expression of mutual assent by the parties to a promise or set of promises; (3) a valid technical consideration, and (4) the absence of any subject matter in the agreement, the performance of which would be contrary to public policy.[78] The meaning and significance of this requirement of the presence of consideration and the absence of matter contrary to public policy, and the relation of both requirements to our problem will be discussed presently. As to the first two requirements, no difficulty arises in cases involving ante-nuptial agreements. Difficulty arises, however, as to the third; namely, whether the agreement fulfills the requirements of civil law as to the valid consideration, which has been defined as

> Mutual promises in each of which the promisor undertakes some act or forbearance that will be, or apparently may be, detrimental to the promisor or beneficial to the promisee, and neither of which is rendered void by any rule of law other than that relating to consideration.[79]

The legal consequences are not affected, however, by the fact that the consideration consists of one or several promises by one or both parties.[80] The adequacy of marriage itself or of a promise to marry as consideration for another promise is settled beyond all doubt.[81] The great number of contracts

[78] Williston, *op. cit.*, Chap. I, Sect. 1.

[79] Williston, *op. cit.*, Chap. VI, Sect. 103 f.

[80] The Restatement of the Law of Contracts gives the following relevant definition of consideration:

(c) the creation, modification or destruction of a legal relation or
(d) a return promise, bargained for and given in exchange for the promise.
(e) Consideration may be given to the promisor or to some other person. It may be given by the promisee or by some other person.

The Restatement of the Law of Contracts, Sect. 83.

"Consideration is sufficient for as many promises as are bargained for and given in exchange for it, if it would be sufficient consideration for one of them, if that one alone were bargained for . . . ."

[81] Williston, *op. cit.*, Vol. I, Sec. 486.

having marriage or a promise of marriage for consideration and difficulties with regard to their proof or disproof resulted at an early date in the enactment in England of a statute which restricted the aid of the courts to those contracts reduced to writing. The statute provided:

> that no action shall be brought whereby to charge any person or any agreement made in consideration of marriage, unless the agreement or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith or some person thereunto by him lawfully authorized . . . [82]

In the United States this provision has been considered in force by virtue of the general adoption of such of the early English statutes as were adapted to the condition and polity of the country. In most states there has been an express enactment of a similar statute; and in others, in the absence of such enactment, the courts have held that even an oral promise in consideration of marriage is enforceable.[83] Such statutory provisions did not affect the validity of such contracts but rather refused a remedy through the courts enforcing them, unless they were reduced to writing. The proposition, therefore, that marriage is sufficient legal consideration for a contract has been upheld continually by courts and supported by authoritative writers.[84]

Story, J., in a decision of the Supreme Court of the United States, said:

> Marriage in contemplation of the law, is not only a valuable consideration to support such a settlement, but is a consideration of the highest value; and from motives of the soundest policy is upheld with a steady resolution. The husband and wife, parties to such a contract, are therefore deemed, in the highest sense, purchased for a valuable consideration.[85]

Consequently it becomes apparent even to the casual reader that the ante-nuptial agreement contains the essential elements of a legal contract.

Further enquiry leads us to analyze the nature of the claim to rights acquired in such a contract.

[82] 29 Car. II, Chap. III, Secs. 4, 5 (1677).

[83] Lewis v. Tapman, 90 Md. 294, 45 A. 459 (1900).

[84] Williston: Contracts I, Sec. 486, p. 936 (1920).

[85] Mangae v. Thompson, 7 Peters (U. S.) 389, 393-394 (1833).

"THE ROSE OF THE SACRED BLOOD OF CHRIST."

WHILE Catholic Ireland is preparing to represent the Universal Church in adoration before the Eucharistic "God with us", the various parties of the Church of England have been animatedly discussing the question as to just what Anglicans hold the Eucharist to be. The most widely-read publication of the Church of England, *The Church Times,* as well as *The London Times* and other secular papers, have brought home to the bewildered and rather scandalized Anglican the tangled skein of doctrine from which his Church weaves his "lex credendi" and his "lex orandi" in its central act of worship.

On the one hand we hear the sigh in the Ecclesia Anglicana:

> Would I could see it, the Rose of the Sacred Blood of Christ
> In the shining chalice of God, the Cup of the Holy Grail!

On the other, we hear the "scientific" Dr. Barnes, Anglican Bishop of Birmingham, leading his party in denouncing from press and pulpit the "superstition" of the "real Presence" as nothing short of idolatry. The eminent Doctor's "Anglo-Catholic" idolators grieve at his and his followers' heresy and deprecate it likewise in newspapers and sermons. Again, a number of doctrinal *franc-tireurs* from various dogmatic positions take pot shots at one or both sides; while the more politic of the clergy and laity, the center party of "comprehensiveness," plead for an armistice in the theological hostilities and wish to leave all permanently "as you were".

"To show that the Church of England is not so hopelessly divided within itself, as interested parties are in the habit of maintaining", states a document professing a common faith in the Eucharist amongst Anglicans and published in *The Church Times,* 9 October, 1931. The statement carries the signatures of two of the three hundred Anglican bishops and of one hundred and seven other persons, nearly all clergymen. These "signatures," comments the devotedly Anglican editor in the same issue, are "not so much remarkable for their number as for the exceptional diversity of the views which the owners represent". The editorial concludes: "But to anyone conversant with theology and religious history, the ambiguity of

the definition offered of their [the consecrated Elements'] nature is patent. One party will accept the formula in one sense, another in its opposite. . . We must insist that, when in the effort to discover agreement, ambiguous formulae have to be employed, candor and prudence alike require the addition of some statement of the disagreements which they also cover."

Such, according to authentic Anglican expression, is the Anglican official and unofficial mind as to Anglican faith in the Eucharist,—a faith described in the report of the last Anglican Lambeth Unity Conference and by the Anglican Delegation to the Patriarch of Constantinople in 1922 and to the Patriarch of Alexandria in 1924, as fully in accord with the belief of the Holy Orthodox Eastern Church. A union of the two churches has been the scope of very zealous activity during the last few years, especially on the English side, and highly placed parties, both Catholic and Anglican, in England consider the union as fairly certain. The Holy See is naturally much concerned for the preservation of the still fairly solid Orthodox Faith from the dry-rot of sceptic modernism, which will inevitably develope in it in the event of intercommunion with the highly heterogeneous clergy of the Church of England.

What is the faith of the Eastern Orthodox Church in the Eucharist? Here there is no question, for anyone, of any other faith, according to Orthodox principles, than that which has been constant down through the ages. There is no such thing as "antiquated" faith for the Orthodox Church; "Ancient", yes; "antiquated", never. Eastern Orthodoxy's principle has ever been that continued universal belief of the Church is the infallible determination of the true faith in any doctrine.

Peter Moghila, the founder and developer of the renowned theological school of Kiev in Russia, was a zealous defender of the Orthodox religion against the menacing inroads of both Protestantism and Catholicism in the first half of the seventeenth century. When the representatives of the Orthodox Church convened at Iassy in 1642 to anathematize and counteract the heresy of the Greek Patriarch, Lukaris, murdered four years before by the Turks, Moghila submitted a formula of faith which, after some modifications, was solemnly approved

by the Council of Constantinople in 1643 as the genuine and recognized faith of the Orthodox Eastern Church. This formula is known as "The Orthodox Confession of Peter Moghila".

By those outside the Eastern Church, both Catholic and Protestant, this confession has been held for centuries as the exact statement of the faith of the East. The eminent Protestant writers, Heineccius, Tittman and Walch, of the seventeenth century, consider it to be the "symbolic book [authentic profession of faith] of the Greeks in the full sense of the word," while later celebrated Protestants, as Kimmel, Gass, Kattenbusch, Loofs, Briggs, *et al.,* hold it to be the first of the symbolic books or even the the only symbolic book of the Oriental Church.

In the Orthodox Eastern Church itself, no declaration of Faith has received, even remotely, such solemn, such repeated and such sustained approbation as the "Orthodox Confession". In 1643 the four Patriarchs of the Orient, and in 1685 the Patriarch of Moscow, solemnly gave their approbation to it as to the rule of Orthodox belief which should be familiar to all Eastern Christians. The Synodal Response of the Orthodox Greek Church signed by the Patriarchs of Constantinople and Jerusalem was sent in 1718 to the Anglican Church with the assertion that the Confession of Moghila is the "orthodox and irreprehensible" expression of right belief. In the "Ecclesiastical Regulations" of the Russian Church under Peter the Great this Confession is so highly honored that it is proposed even before the homilies of the Fathers. A number of Orthodox theologians go so far as to claim that the Confession is an infallible pronouncement and, in a way, on a par with the first seven Councils because it has been accepted and taught universally for centuries as the common symbolic expression of faith. In brief, when there is question as to how the Orthodox Church understands the teaching of the Ecumenical Council and of the Fathers, there is no declaration which can approach this Confession in authority.

Most explicit and detailed is the "Orthodox Confession" on the true Eucharistic doctrine of the East and we cannot do better than go to it in controlling the accord said by the Lambeth Unity Committee to exist on this point between Anglicans

and Orthodox Greeks. But a previous word on the Greek understanding of the term "transubstantiation", repeatedly used in the Confession, will be much to the point in view of the frequent Anglican insistence, that the Greeks do not hold transubstantiation, i.e., the change of the substance of the consecrated bread and wine into the substance of the Body and Blood of Christ, and that it is a mere corruption that has crept into Orthodox doctrine through Latin influence.

Corydaleus, a sympathizer with the condemned Calvinist doctrines of the above mentioned Lukaris, sought, as Methodius, Patriarch of Constantinople informed the French ambassador Nointel in 1671, to have the word "transubstantiation" [Greek: "metousiosis"] removed from the Orthodox Confession by the Council of Constantinople, when it was under discussion for approbation. He complained that the word was of Latin origin. Thereupon he was asked to say, since he was so well versed in Latin, just what "transubstantiation" means. "Not daring to dissimulate," goes on the Patriarch's account, "he was obliged to declare that the word means the change of one substance into another. But hardly had he said this than the whole assembly unanimously replied that the Greek Church did not pay attention so much to words as to their meaning; and that the word 'transubstantiation', expressing fully, as it does, the change of the substance of bread and wine into the substance of the Body and Blood of Christ, was not more Latin than it was Greek, for according to the avowal of Corydaleus himself, it designated so well the faith of the Oriental Church. Thus they penetrated to the purpose of Corydaleus, who would destroy, not mere words, but the sacrament itself."

And I very much fear that those who raise such difficulties against the word "transubstantiation" must be tarred with the same stick as Corydaleus. It is not so much the decried Scholastic philosophy of the word that is so irritating, as its "uncomprehensiveness" of all the sorts of theology which make use of the word "presence" to express all sorts of meanings of Christ's presence in the Eucharist. A perusal of the decrees of the Council of Trent on the Eucharist will make it plain that the Council did not define Aristotelian or Scholastic philosophy as of faith when it used the word "transubstantia-

tion," but that it chose this term as "most exactly," "fittingly and properly," expressing the fact believed.

The following are a few distinctive sentences of the "Orthodox Confession's" teaching on the Eucharist and they suffice to banish every possibility of doubt as to the agreement of the Orthodox Eastern Church with the Catholic Church and its disagreement with the internally conflicting doctrines of the Anglican Church on:

1. The corporal presence of Christ in the Eucharist under the mere appearances of bread and wine.

2. The change of bread and wine by liturgical consecration into the corporal Body and Blood of Christ.

3. The sacrificial nature of the Eucharist.

Question 106. What is the third sacrament?

It is the Eucharist or Body and Blood of Christ the Lord under the appearance of bread and wine. . . .

Question 107. What is to be observed in this sacrament?

. . . Fourthly, attention must be paid to the fact that the priest should have the intention at the time of consecration that the true substance of the bread and the substance of the wine be transubstantiated into the true Body and Blood of Christ by the operation of the Holy Spirit, to whom he makes the invocation when he performs this sacrament, praying and saying: "Send Thy Holy Spirit upon us and upon this offering before us and make this Bread into the precious Body of Thy Christ and that which is in this chalice make into the precious Blood of Thy Christ, effecting the change by the Holy Spirit. For immediately at these words the transubstantiation takes place and the bread is transubstantiated into the true Body of Christ and the wine into the true Blood of Christ, only the visible appearances remaining. And this takes place by Divine disposition for two reasons: . . . Secondly, because it is abhorrent to human nature to eat live flesh; and since man should be united to the Lord through the participation of the Flesh of Christ, the Lord, and of the Blood of Christ, the Lord, and lest man should be horrified, Christ determined to give His Flesh and His Blood as food and drink to the faithful under the appearances of bread and wine.

. . . As to the honor which is to be shown to this sacrament as to Christ Himself, as said above, we should hold what St. Peter said of Him as the spokesman of all the Apostles: "Thou art Christ, the Son of the Living God." So we also say with the worship of adoration [latria]: "I believe Lord and confess that Thou art the Christ, the Son of the Living God."

If we omit the word "transubstantiation" repeated in the Orthodox Confession with such notable emphasis, and leave the paraphrase of that word in the rest of its declaration of faith, the realistic corporal sense of the Eucharist is in no wise altered. Moreover this Confession was promulgated to exclude precisely the non-corporal explanation of Calvin which is held with more or less variation by the majority of the Church of England; for the Confession had its genesis in the anathema of Lukaris, who sought to introduce Calvinism into the Near East after his sojourn in Geneva.

With difficulty will one find thirty of the three hundred Anglican bishops ready to put their signatures under the above most authoritative and most genuine Confession of Eastern faith in the Eucharist. It is only a tithe of the Anglican lower clergy, the "Anglo-Catholics," who have such a faith. Is it not then but reasonable to hold as certain that when Greek meets Anglican at the altar, the altar will cease to be an altar for him? His conservative Orthodox faith, jarred by Anglican latitudinarianism, like a Prince Rupert drop of glass under strain, will fly into a hundred fragments, without a governmental "establishment" capable of cementing together the broken bits.

The great majority of Anglicans will never suffer the Eucharist to be called a sacrifice, much less a sacrifice that can benefit the dead. But what they call only "The Lord's Supper" is stated in Orthodox faith thus: "Question 107. . . This sacrament is also a sacrifice for the living and the dead."

Not to insist entirely, as we may justly do, on the testimony of the "Orthodox Confession", the next most authoritative and official pronouncements on the belief of Orthodoxy on this point are of the same tenor. They are—

1. The Reply of Jeremias II, Patriarch of Constantinople, to the theologians of Tübingen in 1576,
2. The Confession of Critopoulos, Patriarch of Alexandria, in 1661,
3. The Confession of Dositheus, Patriarch of Jerusalem,
4. The Decree of the Council of Constantinople of 1672,
5. The Catechism of Philaret.

These chief professions of faith have been excellently collated as regards the Eucharist by Theophilus Spacil in his book *The Doctrine of the Separated Orient on the Holy Eucharist* (Latin), 1929, Rome. Their clear testimony is that the Eastern Church has always agreed with the Catholic Church in the understanding of the "Real Presence" of Christ in the Eucharist. Dositheus, the Council of Constantinople and Philaret with Moghila use the word "transubstantiation" to express the sacramental change, while they hold that it is a word to assert the fact, not to explain it, since the manner of change is unknown.

Later Orthodox theologians, in consonance with earlier ones, are likewise in accord with the Catholic Church, using about the Eucharistic Presence the words: "truly," "substantially," "really". But their negative declarations on this point make their accord still more evident. They reject all non-Catholic doctrines as heretical, such as the teaching of Christ's presence as in a symbol only, or that He is in the bread with the bread ("impanation"), or that He is in hypostatic union with the bread, or that He is there only by His grace and power in Calvin's sense, or that He is present only in the reception of Communion, or that the Eucharist is a mere commemoration of the death of Christ. Such doctrines are barred by Malinovsky, Makarii, Dyobuniotes, Androutsos, to mention only a few of the more notable modern Orthodox theologians.

Moreover, according to the whole East, both ancient and modern, the Fathers of the Church of the first centuries taught the change of bread and wine into the Body and Blood of Christ under terms equivalent or similar to "transubstantiation", viz., "change into", "transformation", "make into", "make to be another thing", "permutation", "metabolism", "change of the fundamental nature", etc. Finally, the modern Eastern Orthodox Church and the Roman Catholic Church, but only a very few of the Church of England, believe the Eucharist to be the real sacrifice, the unbloody offering to God and the application to souls of Christ's death on the Cross.

St. Paul could not by any means say to Anglicans, as he did to the Corinthians: "You being many, are one body partaking of one bread"; for the spiritual Bread of the ill-tolerated Anglo-Catholic party is a serpent, or at best a stone, to other

Anglican parties. Itself not one body with one Eucharistic Lord and one Faith, the Church of England can have but one of two purposes in seeking ecclesiastical unity with the Greeks: either to generate unity within their own ranks—an idea fostered by the more simple of the faithful but frankly utopian to Anglican thinkers; or to bring the Greek Church to the Anglican way of thinking, which indeed will be the real result of union. Quod Deus avertat.

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ORGANIZED CATECHETICAL INSTRUCTION.

The Confraternity of Christian Doctrine.

THE Council of Trent marks a turning-point in the history of Religious Instruction, as it does in many other phases of Catholic life. From its deliberations came the Catechism of the Council, or the Roman Catechism, and concurrent with the compilaton of the Catechism was the establishment of the Confraternity of Christian Doctrine.[1] Through the Catechism the Council proposed to the teaching forces in the Church an instrument which would preserve unity, precision, and accuracy of doctrinal statement, and also provide a means whereby the Church might enact more effectively her teaching office.

The legislation of the Council is as follows: "That the faithful people may approach to receive the Sacraments with greater reverence and devotion of mind, the holy Synod commands all bishops, not only when these Sacraments shall have to be administered by themselves to the people, previously to explain their force and use in a manner suited to the capacity of the receivers, but also to endeavor that the same instruction be piously and prudently observed by every parish priest, even in the vernacular tongue, if need be and it can be conveniently done, according to the form to be prescribed by the holy Synod for all the Sacraments in a Catechism which the bishops will

[1] *Istoria della Fondazione e norma, con cui si regola la ven. Archconfr. della dottr. Crist.*; Roma 1740; Maroni XX, 246 s.s.

take care to have faithfully translated into the vulgar tongue, and expounded to the people by parish priests." [2]

The Catechism became a guide for preachers and a means of uniform and constant pulpit instructions.[3] With the other catechisms that were afterward compiled, by papal designation, the Catechism of Trent soon became the basic tool for polemicists. They soon ceased to be employed in the modes of catechesis, of the pre-Reformation days, but took the form of modern catechisms and catechetics. These and their uses were employed to counteract the methods of the heretics and their catechisms, such as the Catechisms of the protagonists of Huss,[4] the Bohemian Catechisms, the Waldensian Catechism, the Enchiridion or small Catechism of Luther.[5]

The modes of instruction were consequently changed, and up to very recent times instructors have been following the post-Tridentine traditions, or the polemical, logical, analytic, abstract, and rote methods of catechization, as against the historical, scriptural, narrative, hortatory, and psychological catechesis of the Apostles, the Fathers, and especially of St. Augustine, and the schools of catechesis for beginners up to the time of the Council of Trent.[6]

The small catechism for beginners, (both children and others who had never been initiated into the treasure house of Catholic truth, which the Council had in mind) was not composed at the time.[7] This neglect was, perhaps, due to the difficulty of compiling such a catechism, which would be consistently true to the needs of untutored minds, and also to precision of doctrinal statements.

The aim of the fathers of the Council was not only to provide a definite statement of doctrines that needed precise and ac-

[2] Council of Trent; Sess. XXIV, November 11, 1563. Cap. VII de Reformatione.

[3] *Ibid.*

[4] *The First Instruction of Children and Beginners,* by the Rev. Joseph V. Tahon; Herder; p. 80, s.s. Cf. also, "A Catechism Critic", by the Rev. John J. O'Gorman, D.C.L., in *The Homiletic and Pastoral Review,* November, December, 1931, and January, 1932.

[5] *Ibid.*, p. 105, s.s.

[6] The Apostles adopted their methods from Moses and the writers of the Old Testament. St. Augustine adopted the method of the Apostles and Moses. Cf. S. Aug. in *De Catechizandis Rudibus,* and *De Doctrina Christiana.*

[7] *The First Instruction of Children and Beginners,* Tahon; Herder; p. 85.

curate definition, as shown by the Capita or Chapters, and to condemn heretical concepts and statements, as shown by the Canons, but also to provide reform in discipline and especially in religious instruction for all, and to initiate a program of counter-reformation. This last was now all the more needed on account of the active agencies that the reformers were sending about through the world.

Out of these circumstances and needs came the establishment of the Confraternity of Christian Doctrine. There was to be a revival of Christian life through a more generous promulgation of Catholic teaching amongst all classes. For the first time in history the laity were to help generously in imparting knowledge of the Catholic religion in a formal and systematic way. Previous to the establishment of the Confraternity, the work of organizing the plan of religious instruction had already been begun (1536) by the Abbate Castellino da Castello, who inaugurated a system of Sunday schools in Milan.[8]

About 1560, Marco de Sadis-Cusani, a wealthy and influential Milanese nobleman, organized some of his zealous associates, amongst whom were priests and laymen, who pledged themselves to devote their otherwise unoccupied time to the instruction of both children and adults in Christian doctrine.[9] The decree of the Council of Trent for the commencement of the Catechism was enacted in the Twenty-Fourth Session, 11 Nov. 1563. It was finished in 1564,[10] and published in 1566 by Pope Pius V, by whom it was designated to be used by parish priests and other teachers of religion.[11]

The compilation of the Catechism was supervised by the Archbishop of Milan, St. Charles Borromeo. He was also one of the first co-laborers of Cusani. During his episcopacy in Milan he was the most zealous promoter of the Confraternity, and most effective in bringing the knowledge of religion to

[8] *Catholic Encyclopedia,* vol. III, p. 711.

[9] *Kirchen Lexikon,* Herder, vol. III, p. 1871.

[10] "Catechismum habemus jam absolutum", etc. Letter of St. Charles Borromeo to Cardinal Hosius, 27 Dec., 1564; apud Pogianum, vol. II.

[11] *The First Instruction of Children and Beginners,* Tahon; Herder; p. 85. The Council and Pius IV stipulated that the Catechism was to be a manual for the instructor, but not the instructed.

those who had thus far been deprived of it.[12] While the Confraternity was not therefore a creature of the Council, as the Catechism was, it was begotten at the same time, and was in accord with the spirit of the Council, which strove to offset the inroads of the new heresies then penetrating all parts of Europe.

The Confraternity began its work by teaching in schools, on the street corners, in the lanes, and in the homes of the poor. In 1562, Pope Pius IV made the Church of Sant' Appolinare its central institution. The association grew very rapidly, and soon divided itself into "The Fathers of Christian Doctrine", into which the priests entered, and the laymen who remained in the world designated themselves "The Confraternity of Christian Doctrine".[13]

Pontifical approval and encouragement were early given the society. In 1571, Pope St. Pius V, in the Brief, *Ex Debito Pastoralis Officii,* testified to the excellent work that the association had already accomplished, and recommended that bishops establish it in every parish.[14] In 1607, Pope Paul V raised it to the dignity of an Archconfraternity, and removed its center to St. Peter's in Rome.

In 1686, the Sacred Congregation of Indulgences urged its establishment wherever it was possible for bishops and priests to do so.[15] Its growth at the outset was rapid in Italy, France, and Germany. From its very beginning St. Charles Borromeo was its zealous supporter; he gave direction and order to the work by basing its activities on a set code of rules. Cardinal Bellarmine and St. Francis de Sales were also zealous proponents of its work and development.

In 1905, Pope Pius X, on 15 April, in the Encyclical, *Acerbo nimis,* prescribed as follows: "We, therefore, venerable brothers, desirous of fulfilling this important duty which is imposed upon us by the supreme apostolate, and wishing to introduce uniformity everywhere in this most weighty matter, do by our supreme authority enact and strictly ordain that in

[12] Ottrochius de Vita ac Rebus Gestis S. Caroli Borromaei; apud Pogianum, vol. II.

[13] *Kirchen Lexikon*; Herder; vol. III, p. 1873.

[14] *Kirchen Lexikon*; Herder; vol. III, p. 199.

[15] *Kirchen Lexikon, l. c.*

all dioceses the following precepts be observed. . . . In each parish the Confraternity of Christian Doctrine is to be canonically instituted. Through this Confraternity, parish priests, especially in places where there is a scarcity of priests, will find valuable helpers for catechetical instruction in pious layfolk who will lend their aid to this holy and salutary work, both from a zeal for the glory of God and as a means of gaining the numerous indulgences granted by the Sovereign Pontiffs. . . . In large towns, and especially those that contain universities and grammar schools, let religious classes be formed to instruct in the truths of faith and in the practice of Christian life the young who frequent the public schools from which all religious instruction is banned."

In 1918, 15 September, Pope Benedict XV in promulgating the new Code of Canon Law gave force to Canon 711, Sec. 2: "It is the duty of diocesan Ordinaries to see to it that the Confraternities of the Blessed Sacrament and of Christian Doctrine be established in every parish. Once legitimately erected, these Confraternities are *ipso jure* aggregated to the Archconfraternities of the same name established by the Cardinal Vicar in the city of Rome." [16]

In 1923, Pope Pius XI, 29 June, in the Motu Proprio *Orbem Catholicum* established within the Sacred Congregation of the Council a "peculiar office", which "the Apostolic See is to use as its instrument to secure, thoughout all Christendom, the observance of its laws, to instruct the faithful in the precepts of Christian doctrine; it shall be the duty of this office to moderate and promote the entire catechetical action in the Church" [17]

In the course of the years, the Confraternity has been enriched with many privileges and indulgences, which are to be interpreted and applied according to the prescriptions of Pope Clement VIII of 7 December, 1604: *Quaecumque a Sede Apostolica,* in which he defines the laws for the erection, etc. of all confraternities.[18]

Canonical institution requires "Consensum ordinarii loci . . . cum ejus litteris testimonialibus, quibus ejusdem confra-

[16] Cf. *Acta Ap. Sedis,* vol. XVI, p. 332, s., and vol. XVIII, p. 453, s.

[17] *Acta Ap. Sedis,* vol. XV, p. 327, 1923.

[18] *Acta Apostolicae Sedis,* tom. VIII, p. 277, ss.

ternitatis et congregationis institutum, pietas et christianae caritatis officia, quae exercere consuevit, apud eos commendatur, sibi adjungere et aggregare possint." The affiliation of a confraternity to a diocesan association requires that it be made according to the form prescribed in the statutes and forever.

In 1572, Pope Gregory XIII formally approved the Confraternity, and enriched it with great indulgences. Many of the Sovereign Pontiffs have since added to these. To gain the indulgences, besides membership in a canonically erected confraternity, it is necessary that members fulfill the works that have been enjoined by the Pope for the gaining of indulgences which have been conceded to the association. Inobservance, however, that is partial or even general, of the statutes will not hinder the gaining of the indulgences, because these are intended for the rule and administation of the society rather than enjoined works for the gaining of indulgences.[19]

In the United States the work of Religious Instruction has been largely and fortunately carried on through the parish schools and institutions of higher learning. Where these were not established, because of economic or other reasons, the instruction of the young was given in the usual type of Sunday school, which was conducted either by the pastor, or by assistants and capable lay helpers under his direction and supervision.

In cases and localities where such means were not available or inefficient and ineffective, the Confraternity of Christian Doctrine, the Catholic Instruction League, and Vacation Schools were established. The Vacation School movement has extended into over a hundred dioceses in forty-six states. They are usually under the supervision of the diocesan superintendent of schools.

The Catholic Instruction League (Headquarters,—1076 West Roosevelt Road, Chicago) was founded in Chicago in 1912, by the Rev. John M. Lyons, S.J. Its objective is similar to that of the Confraternity, and has extended its operations into more than a score of dioceses in the United States, and in other countries, especially in the Philippine Islands. Since its establishment it has given instructions to over 200,000 chil-

[19] *Synopsis Rerum Moralium et Juris Pontificii*, Ojetti, S.J., vol. I, p. 1259, ss. *Rights and Duties of Ordinaries*, P. Chas. Augustine, O.S.B., p. 206, ss.

dren. On 5 August 1925, His Holiness Pius XI by a papal brief raised the Catholic Instruction League of Chicago to the rank of a Primary Union, at the same time granting to its Director General the power of aggregating to the Primary Union of Chicago all other branches of the League canonically established in any part of the world, and of communicating to branches thus aggregated all the indulgences granted to the Primary Union of Chicago by the Holy See, as well as such indulgences as shall be granted in the future to it. It has a constitution in which the aims of the Union are set forth; it provides for all organization features that are usually outlined for confraternities. The Union publishes a bulletin, which is called the *C. I. L. Messenger* (from above headquarters), which informs the members regularly of the progress of the work done in its many centers.[20]

The Catholic Instruction League proposes the following objects: "The chief object of the League is to furnish instruction in Christian Doctrine to Catholic children where the parish schools . . . are not teaching, as also to working boys and girls, and even adults who may be in need of such instruction. It is within the special scope of the League to provide, as far as possible, for the religious instruction of the colored, of the Chinese, and of others who are apt to be neglected. Similar instruction is also to be given, where possible, to Catholics in state, county, and other public institutions. Special efforts are likewise to be made in behalf of children and young people living in suburbs, small towns, and rural districts, in all of which, local conditions frequently militate against the receiving of proper religious instruction. Since many grade and high school students do not attend Catholic Schools, the League does what it can to supply, as far as possible, necessary religious instruction and training. An important feature of the League's work is the formation of Religious Study Clubs for such adults as wish to gain a more thorough knowledge of the doctrines and practices of the Church and especially for Catholic students attending public high schools. It is also within the competence of the League to establish inquiry classes for interested non-Catholics who later, if they so desire, may be admitted into convert classes."

[20] Cf. *The Catholic Mind*, vol. XXIII, no. 24, 22 Dec., 1925.

The Catholic Rural Life Conference, of the National Catholic Welfare Conference,[21] early in its history espoused the Vacation School Movement and has successfully encouraged its development everywhere.[22] On 21 April, 1930, in a letter to the Executive Secretary of the Rural Life Bureau, then the Rev. Dr. Edwin V. O'Hara, His Excellency, the Most Rev. P. Fumasoni-Biondi, Apostolic Delegate to the U. S. A., expressed his esteem and approval of the movement, and invoked the favors of heaven upon its enterprises.[23] Plans were devised for the conduct of Religious Vacation Schools through the auspices of the Confraternity of Christian Doctrine.[24] This action was duly authorized by the Catholic Rural Life Conference at an official Meeting of the Board of Directors, 27 August, 1930, in connexion with the Eighth Annual Catholic Rural Life Conference held in Springfield, Illinois.[25]

The Rural Life Conference of Wichita at its October meeting last year adopted the following resolution. "The Conference wishes to reiterate its stand taken on previous occasions with regard to the establishment of the Confraternities of Christian Doctrine. We commend the Confraternities not only because they are duly recognized by the Canon Law of the Church but also because they have proved themselves a very satisfactory instrument for the furtherance of the religious instruction of our Catholic people and for the abatement of religious misunderstandings among our Catholic neighbors."

In a pastoral letter for the Advent Season, 1930, the Most Rev. Edwin V. O'Hara, D.D., stated: "It is as an agency for meeting this need and for fulfilling this hope in our Diocese of Great Falls that we charter, on this first Sunday of Advent, the Confraternity of Christian Doctrine in our Cathedral Church, and direct all pastors of the Diocese to proceed without

[21] 1312 Massachusetts Ave., N.W., Washington, D. C.

[22] It did not, however, originate the movement, as zealous priests in many places throughout the country had organized such schools for children attending public schools, for various periods of time during the vacation months.

[23] *Catholic Rural Life*, magazine, vol. VIII, no. 8, May, 1930.

[24] Rev. Edwin V. O'Hara, LL.D., "Religious Vacation Schools", THE ECCLESIASTICAL REVIEW, May, 1930 (a reprint).

[25] *National Catholic Welfare Conference Review*, vol. XII, no. 2, p. 26; Oct., 1930. The Rural Life Conference Bureau of the N. C. W. C. supplies not only materials suggestive of ways of organizing a Confraternity, but also courses of study, which are directive.

delay to the canonical erection of the Confraternity in every parish and Mission under their charge." [26]

The Bishop writes further: "We place, then, our Confraternity of Christian Doctrine under the patronage of the Holy Child, and we call on zealous men and women in every parish of the Diocese of Great Falls to dedicate generously a part of their time to prepare themselves completely under the direction of their pastors to lead the children and youth of their communities to Him, who is the Way, the Truth, and the Life. . . . To prepare for these vacation schools next summer will be the first task of those who enroll themselves in the parish Confraternity of Christian Doctrine. Teacher training classes will be conducted by the Reverend Pastors immediately after the first of the coming year, and certificates will be issued by the Bishop to all who faithfully complete the course. . . . There may be those who would like to participate in the work of the Confraternity and share in its spiritual advantages, but who feel that they would be unable to teach formal Christian Doctrine. For the benefit of such persons, it should be pointed out that the program of the religious vacation school requires the correlation of doctrinal instruction with music, art, handicraft, health training, and recreation, and consequently that all talents generously offered can be employed."

The Confraternity of Christian Doctrine is a normal part of parish and diocesan organization where there is a field for its work. It is never intended to interfere with the activity of the Catholic school. In fact, in one Los Angeles parish 250 children were transfered from the catechism centers to parish schools at one time. The ideal of participation by the laity in the work of instruction is never lost from view.

The organization of the Confraternity is rather elastic. The details are left to local authorities in order that local needs and resources may be dealt with in a flexible manner. In this way each diocese is enabled to give a particular note to both organization and effort. In the Los Angeles diocese the parish is the primary unit. These units are aggregated into the diocesan Confraternity. The spiritual director is assisted by an Executive Board of lay people who are appointed by the

[26] Most Rev. Edwin V. O'Hara, Bishop of Great Falls, "Parish Confraternities of Christian Doctrine", *The Acolyte*, vol. VII, no. 13, p. 7, s; 25 July, 1931.

director at the annual meeting. Smaller unions of parish confraternities have been formed in Los Angeles and San Diego. These inter-parish unions have officers similar to the diocesan union. The dioceses of Monterey-Fresno, Sante Fe, Great Falls and Brooklyn follow in general the Los Angeles plan of organization. The Pittsburgh Missionary Confraternity has developed in a different way. There are ten centers in the diocese from which teachers and associate workers are sent out to mining villages, and missions where they are needed. The main center of administration, control and support is in the episcopal city. There are four diocesan priests who give their entire time to Confraternity work. A list was made of dioceses in whose organization provision is made for the supplementary catechetical instruction that is now held in mind. The variety is so great that it seems best to refer an interested reader to the Directory, which will guide him in any inquiries that he may care to make. The English Catholic Women's League offers an interesting type of Catechetical instruction in Our Lady's Catechist, 116 Victoria St. London S. W. I. It holds annual conferences, Retreats, and Catechists' Weekends. Quarterly meetings are devoted to the discussion of practical problems. Teachers and leaders give demonstrations, suggest methods and read papers on the aims and practical aspect of the work.

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A POINT OF VIEW IN PREACHING.

Aspects of Spiritual Growth.

CHILDREN give much attention to the thought of growing up. Lacking all habit of analysis or reflexion and acting on impulses and short outlooks, they nevertheless reveal in this trait a fundamental instinct of all life whatsoever. It does not normally remain stationary. The scholastics defined life in the terms of movement. Rodin held that a picture or statue which does not suggest movement does suggest death. The possibilities of our physical growth are realized early and perhaps the majority of our years are given to defending life rather than to the expanding of it.

One of the most significant features of spiritual teaching is that it is all conveyed in the terms of life and death. We die in Adam. We live in Christ. We are told that in the Christian life we ought to be like little children, innocent, trusting and taking God seriously. Perhaps we might imitate little children farther by being much concerned about growing up spiritually as they are concerned about growing up in a physical and social sense. St. Peter suggests this twice. In his first Epistle he says, "As new born babes, desire the rational milk without guile, that you may grow unto salvation". In his second Epistle he tells us to "grow in grace and in the knowledge of our Lord, Jesus Christ". There are limits to physical growth established by different types of life. There are no limits to spiritual growth that we can with any accuracy define. We ourselves place limits in many ways. But one can scarcely say that the possibilities of spiritual excellence are ever exhausted, from the standpoint of supernatural life.

We move toward the perfect type that Christ is. A thousand obstacles are as leaden weights upon our feet. They who are strong in consecration and determined in effort can free themselves from such resistance and move toward Him, conscious that he places no limit to the sharing of divine life. Hence the desire to grow, to put on Christ more completely, to conquer spiritual ignorance by insight, weakness by courage and determination, inadvertence and indifference by the call and example of Christ, should be found in every Christian heart, like footprints of graces that throng the soul. Our philosophy and psychology and revelation itself tell us that only in the possession of God will life be completed. The Christian heart places the center of life in the keeping of God and aims with constant and intelligent love to move toward it by growth in holiness.

One who is entirely unconcerned about spiritual growth reveals a flaw in spiritual life that should not be overlooked. One who feels that all desirable excellence has been achieved, who is conscious of no striving for further growth, misunderstands every authentic tradition of spiritual teaching. One who counts merely on dying in the state of grace or having an opportunity to receive the Sacraments and believes that this is all that God expects should at best be counted among those

who may be saved through ignorance, but are not inspired by love. Familiar terms tell us much about the elements of spiritual life. We should avoid sin, resist temptation with honesty and courage, recognize and accept graces as they come, improve opportunity to clarify spiritual vision as circumstances permit. All of this is the work of intelligence, love, vision and grace. In view of the nature of priestly life, its contacts with the whole supernatural order, its privileges and graces, the evidences of spiritual growth should be most conspicuous in the life of a priest. He should have some way of measuring his progress in holiness in view of the Masses, Sacraments, prayers, meditation and spiritual reading which, like radiant points catch the reflexion of the countenance of God and turn back its splendor over the surface of his life.

One might say that spiritual life is hidden, that graces are not measured by tape-lines or scales, and that inquiry into the visible signs of grace is somewhat arrogant and vain. That the mysteries of interior life remain hidden and un-understood in large measure, no one can deny. But to assume that the operation of grace remains isolated and that there is no particular coördination of internal and external life would be to go against the fundamental teaching of our Lord. No good Christian would put such an argument forward as an argument. But many good Christians seem to reserve many attitudes, qualities and ambitions against the discipline of spiritual ideals. At these points they do not hold forcefully to the harmony of external behavior and internal grace and obligation. Life is a federation of interests in the Kingdom of Christ. Any action or attitude or view that secedes from this dominion is as truly in rebellion as were the states that seceded from the Union at the time of the Civil War. Borrowing St. Paul's words, the invisible things of God are revealed in the visible things that He created. May not the invisible graces of the Christian life be seen and understood by Christian deeds?

If there is some kind of implied obligation of spiritual growth, how can one measure it? Spiritual literature is so rich in direct answers to this question that it is useless to enter upon them. But it may be worth while to suggest certain secondary and even simple tests that will tell us much about the quality and growth of spiritual life.

I.

One sign of spiritual growth will be found in the fact that we care about it. The thought springs up spontaneously as the unconscious outcome of our hoping and striving. It is the result of a simple honest interest in spiritual things. It is so intimate and familiar, so natural and engaging, that one is almost unconscious of its presence. When the pressure of life is eased, the mind is relaxed and thoughts may wander where they will. They will be found loitering among our deeper solicitudes by the action of a kind of law of gravitation. Where one's treasure is, there is one's heart. The Christian honestly concerned about spiritual welfare who goes looking for his wandering thoughts will find them quite at home among spiritual truths, even as our Lord was found among the Doctors in the temple when He was lost. As Cardinal Newman well says: "A religious mind is ever looking toward God and seeking His traces; referring all events to Him and desirous of His explanation of them."

This caring about spiritual growth seems to be a sort of acquired instinct. It is not planned or intended or anticipated. It is not the outcome of conscious effort. It is simply an overtone of attention that is one of the harmonics of the fundamental spiritual note that life takes on. One may become conscious of it readily under the influence of sickness, disaster or the death of a friend. The thought will take up one's attention on a sleepless night. Perhaps the consciousness of it comes at moments of success when the impulses of gratitude for blessings are stirred to action. In truth all that need be said is that when one sincerely and deeply cares about spiritual growth God is very near and the caring is proof of His Presence. "But when an old man has good health, and sleep has already taken its needful and rightful share of rest, then the nocturnal vigil which succeeds it is a draught of strength and sweetness. Then, screened by darkness from the outer world, the mind, rejuvenated and refreshed by a preliminary slumber, finds that its regained faculties are keener and their power increased. And suddenly there often appear flashes of inspirations, ideas, and forms of expression, by which the whole work of the coming day will be illumined. 'The night

brings counsel', says the proverb, and what a counselor it has been to me! I have confided to it not only my mental work; it has been my habit then to reflect on what I have been, on what I am, and especially on what I ought to be. . . . In those blessed hours I have conceived and made my most serious determinations and then, with my mind at peace, have with the returning light performed the best acts of my life. Above all, it has been in those religious and mysterious silences, that I have poured out my heart and my tears to Thee, my Saviour! Benedicite noctes, Domino!" *

II.

A second sign of spiritual vigor is found in the way we direct thinking toward spiritual realities. It is, of course, self-evident that very much of our life, very many of our actions and contacts lack spiritual quality on account of the pressure of the world upon attention. Occasions to concentrate attention upon spiritual realities are provided in the traditions and work of the priesthood in a way to offset the subtle processes of distraction and worldliness. As the furnace heats a home against the rigors of winter, spiritual exercises intensely done protect the soul against the adverse action of an unspiritual world. One who confines spiritual thinking to the time of meditation, prayer and spiritual reading, and neither looks for nor welcomes thought about spiritual interest otherwise, is really loyal and greatly to be praised but hardly generous toward God. The deeper spiritual instincts of the mind should find spiritual implications and connotations anywhere and everywhere. Conversation, reading, observation, experience, cannot be imagined as entirely devoid of spiritual relation or lesson. An aptitude in finding spiritual enrichment or stimulation outside of the time of formal prayer and meditation is a sign of wholesome spiritual outlook. It is proof of a correct philosophy that holds life in undivided unity before God. With Newman: The Christian "will see Christ revealed to his soul amid the ordinary actions of the day as by a soul of sacrament."

This may be readily misunderstood if one wish to misunderstand it. It does not imply an exaggerated pietism, the pose of the Pharisee, tiresome harking back to spiritual things,

* Stoddard's translation of Baunard's *Evening of Life.*

loss of sympathy with culture and humanity, lack of imagination or inability to find any good in the relaxing recreations of life. Of course, nothing of the kind is intended. Some learn from everything. Others learn from nothing. The capacity to be instructed by life itself in even spiritual things is a characteristic of a normal Christian mind that is reasonably cultured. The biographer of a distinguished immigrant long dead who said "Everything taught him," called attention to life as one of our teachers in the school of Christ. This process of learning from life is quiet, confined practically to one's inner life, scarcely to be observed, and, after a period, unconscious even to him whom it blesses.

III.

Thinking moves in two directions. It gives depth to insight and breadth to one's grasp of truth. As the mind becomes keener it sees more and more in truths that are brought to attention and it grasps their wider implications as well. A mind that is spiritually alert in the sense already explained will find illumination and joy in formal spiritual reading. We read as we are at the moment. To-day's mood leaves us indifferent to one kind of reading and sensitive to another kind. To-morrow's mood will change this entirely. The variations in the moods of the reader who has deep spiritual sympathies make the reading and re-reading of first-rate spiritual treatises eternally fresh and inspiring. A good illustration of this will be found in the reading of the New Testament, the Imitation of Christ, liturgical prayers or other pieces of classical spiritual literature. The mind that discovers new beauty, new appeal, new vision of the eternal hills on rereading such literature for the tenth or the twentieth time, gives abundant proof of enviable spiritual growth. The mind that rereads them mechanically and dutifully but finds nothing new is to that extent inert or inadvertent. Other blessings may enrich it. Other sources of strength may sustain a flawless loyalty to God, but this particular help to be expected from spiritual reading is withheld.

If any clerical reader of these pages wishes to make an experiment he may do so readily. Let him take the Canon of the Mass and read it aloud slowly. Unless he is a rare exception he will discover beauties that he has never seen, phrases

that he has never understood, cosmic perceptions of stupendous truths in the presence of which he had remained unmoved. This is said by no means as criticism. It is intended only to call attention to the inexhaustible spiritual riches that await our leisurely and loving attention in the course of daily life. One priest occurs to mind who said to the writer that after twenty years in the priesthood he had just discovered for the first time within memory the tremendous significance of the prayers following the Consecration.

When our vigorous hold on spiritual truth is shown forth by caring, thinking and reading, the gift of understanding is assured to us and that understanding leads to doing, to the gradual adaptation of behavior to spiritual ideal. Every practical truth of revelation coming to us from God is intended to be incorporated into attitude and action. The tricks of life and of mind defeat this plan of God only too often in all of us. Our spiritual growth is measured again by the way in which we apprehend such truths and succeed in shaping life upon them.

One feature of this process will be found in the increasing ease with which we do difficult things. Perhaps our greatest struggles deal with natural temperament. We are called upon to discipline good qualities and conquer evil traits in harmony with the balanced ideal of Christian character. The things that we temperamentally dislike we do with difficulty and perhaps without enthusiasm. The virtues that we find temperamentally agreeable may substitute a natural satisfaction for a supernatural motive. When gentleness is gaining strength and strength becomes less arrogant; when they who rule are humble and they who obey are happy; when self-effacement hinders one's personality from being a problem for others; when selfishness is recognized and held in check and generosity is joy, then indeed are the hills made low and the valleys are filled up. The spirit of Christ moves over the waters of life at the dawn of a new creation. The ill-temper that was unfair, impulsive, without imagination and cruel in 1922 and is unchanged in 1932 drives one to ask what has become of the graces of the ten intervening years or what philosophy of the supernatural governs that life.

IV.

An abiding sense of serenity and joy is found in the soul that grows toward Christ. It is conscious of living in the presence of God. It has begun to master the secrets of wisdom, security, poise and certainty that are a foretaste of beatitude in facing the mysteries of life. Suffering, misunderstanding, defeat and disaster in the farthest reach of their disturbing power can never touch the foundations of Christian joy and peace in a soul that has looked rightly upon its God. It would be no service to truth to pretend that one can face the vicissitudes of life without some agony and much confusion. But the providence of God leaves us by no means victims of it. These experiences are certain factors in nearly every life. Taken of themselves and without spiritual interpretation they exercise a devastating power which leaves one helpless and distressed. And there can be no joy when this occurs. But the soul that knows its God and seeks strength in His abiding Presence will bring into life a wisdom of decision, poise and certainty that give one the patient strength of the saints. The life which finds no joy but much turbulence in contact with spiritual truths is victim of some kind of misdirection. The alleluia of Easter Sunday follows the lamentations of Holy Week.

V.

There are two paradoxes associated with spiritual growth with which we are familiar. One is the increasing sense of unworthiness as the soul approaches Christ. One cannot come near to Him without being thrown back upon self profoundly humbled. With Newman, "The more men aim at higher things, the more sensitive perception they have of their own shortcomings and this is adapted to humble them especially." This is so well understood in spiritual life that further reference to it is unnecessary.

Another paradox is found in social relations. The nearer one comes to Christ, the deeper interior spiritual life is made, and one is inclined less and less to compare oneself with others or to find excuses for laxity in their example. On the other hand, one is drawn constantly nearer to others in reverence, appreciation, generosity and service. Newman remarks again,

"Earnestness has no time to compare itself with the state of other men."

One further experience may be mentioned as a symptom of spiritual growth. Now and then one becomes conscious of intermittent touches of unusual grace that bring particular strength and even illumination that is altogether without antecedents except as the gift of God. New strength of resolution, new conquest of temperamental failings, new power against temptation, new reaches of loyalty and consecration heretofore undreamed of, will be found to the surprise of those whom they bless.

VI.

The process of spiritual growth is accompanied by other and secondary phases that would be worthy of some attention if one were taking up the problem thoroughly. One is gradually freed from false views concerning the whole range and the exactions of spiritual life on human nature. These mistaken impressions can be as varied as life itself. They take on all of the subtleties of selfishness and the drive of human nature to escape the discipline of ideals.

One may now and then take success or reputation or power as proof of the signal blessings of God that can be expected by only those who are His faithful children. There is much that is alluring and convincing in any kind of success. It imparts a soothing tone to consciousness, a sense of wholesomeness, of being right and approved, that leaves no unsatisfied longing to disturb one's satisfaction. Hence it is so difficult to maintain spiritual values and the haunting sense of mediocre achievement in the soul's perfection, where all other experiences flatter or deservedly praise one. It is not surprising that we gain spiritually when things go wrong and we come near to misdirection when things go well. From the standpoint of the supernatural the Christian looks upon success and failure not as they enhance or defeat one socially, but as they are related to the soul's growth in insight, grace, and consecration.

If memory may be trusted, someone said long since that in the time of St. Francis of Assisi, the supernatural seemed natural. Life was so completely dominated by the institutions, symbols and interpretations of Faith that one's whole

environment suggested it and imagination expressed itself in the terms of spiritual values. Something of the same kind may be said of personal life when growth in holiness advances steadily. Only too often spiritual activities seem to be something foreign to one, put on in some sanctioned way, expressing a tradition, an appeal, a necessity perhaps, artificially attached to life but not organic parts of it. A trifling illustration may serve. Meditation and spiritual reading are traditional means of fostering spiritual life. One may go through with them by willing to do so, without interest or real pleasure. A friend of the writer once said: "I'll wait and hear your sermon and then I shall not have to do any spiritual reading to-day."

Spiritual growth leads toward a different attitude. Grasp on spiritual truths becomes strong. The instruments of devotion are loved for their service to one's high destiny. Reluctances diminish and joys are multiplied. The supernatural seems almost natural, since it responds to every longing of the soul.

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FATHER MICKLE OF CAPE CHARLES.

A LIGHT has gone out in Israel. Volumes might be written about Monsignor Mickle, "The Apostle of the Eastern Shore," founder and first pastor of St. Charles Borromeo Church, Cape Charles, Virginia, and his forty years labor on the Peninsula. His pioneer missionary work might be compared to that of Prince Gallitzin in the Alleghenies or to Father Nerinckx's in Kentucky, but it would not portray the Father Mickle whom Cape Charles knew and loved better than does one character-revealing sentence he wrote a clerical friend shortly before his death. He was seventy-one at the time of writing, and beginning to feel the frailties of his years, but fulfilling in detail the duties of his self-chosen rigorous life: "I am growing old and lazy", he writes, "and dislike attending to the furnace fires. Were I rich enough I should put an oil heater in my home". . . .

Monsignor Mickle is perhaps too recently dead to be entirely appreciated. "No man is a prophet in his own land" might

be made to read " or in his own century ". But we write this sketch for the sake of the records, to save the fragments while still available, that upon some distant day when men looking back recognize the fact that a very holy man walked in their midst, they may have a few ready facts to weave into his life history. Space forbids more than an outline. May it inspire some artists, someplace, sometime, to fill in the canvas and present the world with a biography worthy the name.

To the outside world in general, the name of Monsignor Mickle is as little known as was his first and only appointment to the little parish of St. Charles, scene of his forty years labors. Three times only, in that period did his name ever reach the metropolitan press: at his ordination in Rome in 1889 when he was heralded as a brillinant coming light; 1927 at the investiture of the purple, an honor the Holy Father rarely confers upon the pastor of so small and scattered a congregation; and in 1930 when an out-of-the-way paragraph told the world that he was dead.

To-day the parish of Cape Charles numbers scarcely three hundred Catholics, a small enough harvest some may think for a labor of forty years, a harvest scarcely worth the poverty, loneliness and suffering of those years. That part of the Eastern Shore more than forty-five years ago was an isolated place, no railroads, no conveniences of living, no Catholics, no churches, no priests. Monsignor Mickle is a proof of what courage and hard work can do in almost hopeless surroundings. He built not churches only and formed congregations for them, but he built, supported, and even endowed his parish school. Into that little community, then knowing little of good about Catholicity, he wedged himself so intricately that he died leading citizen of his territory, friend and consultor of Catholic and Protestant, wielding an influence in the civic affairs of the entire section, probably the only priest that many of the inhabitants of the lower Peninsula had ever known.

Monsignor Mickle had an extraordinary sense of the value of " little things ", a sense that we must make our own if we wish to interpret his life aright. The little beginnings, little advances, little conquests. He considered them the " big " things in life and it cut him to the soul to have them underestimated. It is jokingly said that he once preached to a

congregation of one man. And after eight years of labor he opened his school for four Catholic children. He called it the Holy Family, and as he had to "convert" his congregation one by one, for no Catholics lived in that vicinity at the time of his coming, it enlarged in the slow normal way in which families increase, each new arrival dearer than the one before. When men spoke slightingly of his "little" church, or his "little" school, he resented it, reminding them that our Lord always showed His preference for the obscure places as He had chosen Bethlehem for birthplace, Nazareth for residence, and the shore of Galilee as His field of operations.

Two seemingly contradictory appelations have been affectionately bestowed on Monsignor Mickle by his admiring friends in the hierarchy: he was "the Great Builder," in honor of the number of churches he was responsible for building for the scattered few of his flock amidst the woods and marshes of the Eastern Shore—Cape Charles, Easton, Salisbury, Snow Hill and Westover; and he was also "the Great Destroyer," in recognition of his work in putting to death the bigotry that existed in so many places in the "Old Line State" and "The Old Dominion".

When Father Mickle went to Cape Charles in 1890 there was scarcely a handful of Catholics in a territory that included Accomac and Northampton counties in Virginia, and Worcester, Wicomico and Somerset counties in Maryland. His parish was included in two states directed by a bishop in a third state, and he veritably dotted the shores of the inlets of the Chesapeake with houses of God. They were the monuments of his zeal.

The mystery is that he raised money for all the building he did, and more mysterious that he kept things going after the churches were built. A gift from a Baltimore friend met the original building expenses at Cape Charles. Later were included the rectory, convent and school. The repairs and improvements came from the parishioners after the parish developed. The other four churches were erected by funds collected as the work advanced. Much of this money, or a goodly part of it, was given by his Protestant friends during the first four years of gathering his congregation. Money never seemed to worry him much. He says in one of his

articles written in various publications that financing his work was the least of his worries. "Someone always came along and handed me the money."

His life is unique in that his work was entirely for Protestants, living in the centre of a Protestant community, Protestants attending his services, Protestant children in his school, oftentimes giving Protestant "missions." For weeks and months at a time he was without the encouragement of a single conversion. The results of his work and the estimate Protestants themselves put on it can best be summed up in the closing sentence of an editorial in the Cape Charles paper, written by a Protestant, on the occasion of the elevation of Father Mickle to the purple. "He lived," wrote this admirer, "as fine an example of purity and innocence of offence toward Jehova and mankind as we have ever witnessed."

Edward Mickle, future priest and Monsignor, was born 2 June, 1857, in Baltimore, and he was baptized there in the church of the Immaculate Conception. Fourth in a family of eight children, he was the son of Robert Mickle, convert, and Stephanie La Reintrie, both of Baltimore. His remote ancestry is representative of many lands, with French, Irish, German, Scotch and Jewish-English blood running in his veins. Historically and socially, the family figured in Baltimore circles for two centuries. He was cousin and god-child of George Miles, poet and essayist. The name itself, Father Mickle always was inclined to believe, was of Scotch origin, citing as evidence, the Scottish poet, William Julian Mickle, or quoting their saying, "Many a mickle makes a muckle."

On his father's side, Monsignor Mickle's family history goes back to Colonial days with Etting Street in Baltimore named in honor of the English-Jewish family, of which his grandmother, Elizabeth Etting, was a descendant. In the little, almost hidden, Etting graveyard in Baltimore, in the neatly kept triangular plot walled about with brick (considered far in the country one hundred years ago, to-day so surrounded by buildings one can scarcely find it) rest many of his kinsfolk.

Through his mother's people the name of Monsignor Mickle is inscribed not only on the honor roll of the city, but in the annals of the church in Baltimore as well. His mother's father,

Jean Bezin La Roi de La Reintrie, from San Domingo, was one of the first (charter) students of St. Mary's (Sulpician) College, Paca Street, Baltimore, from 1799 to 1803. The names of Mickle and La Reintrie and various family connexions have been identified with the history of St. Mary's Seminary and College practically from the foundation of that institution. His maternal grandfather began a trail of glory at St. Mary's College with followers in every generation. The Memorial volume of the Seminary of that institution, 1791-1891, contains a list of students on which members of his family is inscribed, including three uncles and several cousins, down to Monsignor Mickle himself, a student there from 1884-1888.

From such a background of education and culture we look for great promise from the marriage of Robert Mickle, son of Robert Mickle, and Stephanie La Reintrie, daughter of Jean Bezin Le Roi de La Reintrie. They were married 13 December, 1849, at the chapel of St. Mary's Seminary. George Miles is listed among the witnesses to the ceremony.

Robert Mickle at the time of his marriage was past fifty years of age, twenty-five years older than his young wife. He was a banker, and a man of some prominence in Baltimore. A convert, he made his first Communion on the day of his marriage. We are told that he was of a very religious nature and that his wife, who no doubt had a hand in his conversion, was "almost a mystic in her saintly piety". She attended Mass daily and in winter carried a lantern to light her way to the church. She played the church organ and sang beautifully. He was a self-educated man, somewhat of a linguist, lover of classical English and French and proud possessor of a fine library. He was devoted to his brothers and sisters and determined that they should enjoy the privileges he had missed. He educated his brother, Edward, at St. Mary's College in Baltimore and was indirectly responsible for his entrance into the Church. It was in honor of this favorite brother that he named his son.

The home which Robert Mickle and his bride set up in Baltimore carried on all the best traditions of both sides of the family—she was well educated and a fine musician. We have not a great deal of data about this devoted couple, parents of

eight children, all of whom they educated in Catholic schools and colleges, but much can be inferred about them from Edward and the deep love he bore them. They died but a few months apart, while he was in his first years in the seminary. Companion students tell how he was summoned to his father's deathbed in the middle of the night, of the grief that overcame him, and with what haste he was heard clattering down the long hall.

Edward, fourth of eight children, received his first education at a private school in Baltimore, and at Loyola College in the same city. From childhood he was a religious and rather intent boy. His record at Loyola shows him a lad of excellent conduct, talented in mathematics and French, fond of books and librarian of the Holy Angels Sodality, of which he was a devoted member. About the age of seventeen he entered The Union Bank of Baltimore where his father was an official. A youth of great promise, in ten years he worked his way up to teller and bookkeeper. During these years he entered into the social life of the city, being welcomed into the most exclusive circles.

From early years Edward was interested in foreign missions. His first serious reading was the *Annals of the Propagation of The Faith.* He read the lives of Prince Gallitzin, Tegewitha (Algonquin Maid), and the writings of Bishop England. He had a dream in his heart of doing some big work for God and early in young manhood he planned with the Rev. T. Fred. Price, co-founder of Maryknoll, to devote his life to mission work in North Carolina. God had other work in store for him.

During his years at the bank he was active in the St. Vincent de Paul Conferences. He visited jails and poor-houses on Sunday. A penitent of Father Curtis at the cathedral, he consulted him about his vocation and under his guidance decided to study for the priesthood. From the first days of his meeting with Father Curtis he was much interested in his work and frequently accompanied his father confessor on missionary trips to the Eastern Shore. On one such trip, in the summer of 1886, Bishop-elect Curtis, watching the men building the pier for the railroad at what is now Cape Charles, thought of the need of a church there and laughingly pointed out to the future Father Mickle the site of

his first parish. On the advice of Father Curtis, Edward Mickle went to study at Mt. St. Mary's, Emmitsburg, Maryland. His higher clerical studies were made at St. Mary's Seminary, Baltimore, and the North American College, Rome, where he was a classmate of several present members of the American hierarchy. While studying in Rome he asked to be made sacristan, although in deacon's orders, as he had never been an altar boy and needed to become familiar with the sanctuary, vestments, etc. The summer before ordination he went to Lourdes with his two sisters and as a *brancardier* carried the sick to and from the pool and church.

At Rome he still had a longing for foreign mission work but, true to his spiritual adviser and his plans for his future, he put such dreams out of his heart. He was fascinated by the spirit of the mission. We find him writing from Rome: "The Orientals are always interesting to me; not only the pagan Chinese, but the remnants of the early church of which we know so little. The students of Propaganda in Rome always seem to have a mystery about them."

Three years before his ordination Bishop Curtis took him to Cape Charles and definitely pointed out his work. On the day Bishop Curtis was elected Bishop of Wilmington (1886), he said to young Mr. Mickle: "Go to the Peninsula, south of Delaware, live there among the people, make your own tracks through the woods and gather what stray Catholics you may find." Here was the germ of his life work. The Monsignor's zeal for the Foreign Missions whilst at Cape Charles was most outstanding. The contributions of his poor people, inspired by his own apostolic spirit, were out of all proportion to their number, and a marvel to all. In his strong faith he attributed any success of his work at Cape Charles as the blessing of God upon his people for their spirit of faith in promoting the work of the Missions.

He was ordained 20 May, 1889, in Rome, a year ahead of his time, by his own request, as he was eager for priestly duty. He said his first Mass in the church there of Our Lady of Perpetual Help, to whom he had a tender devotion.

At this time when the tercentenary of the landing of the "Ark" and the "Dove" on the shores of Maryland is being

celebrated, and with it the religious liberty of the modern world, the history of the Church at Cape Charles makes very interesting reading. So long did it take Catholicity to penetrate the shores of Maryland and Virginia, especially the five southern-most counties terminating in the point at Cape Charles, that the history of the Church in those regions rightfully begins with the coming of Father Mickle in 1889-1890.

Up until Bishop Curtis was made Bishop of Wilmington, nothing lasting had been accomplished in promoting of Catholicity on the Eastern Shore of Virginia. In the early days it had been visited by the Jesuits from Bohemia and later by the Redemptorists from Annapolis, but in spite of their efforts and the efforts of zealous Bishop Becker, first Bishop of Wilmington, Cape Charles and its environs remained entirely Protestant and isolated.

The town of Cape Charles in Northampton County, East Virginia, is the extreme southern point of the Delmarvia Peninsula and occupies the site of what was known as "Old Plantation" in the days of Captain Smith and the Jamestown settlers. It lies 115 miles south of Delaware State Line, 200 miles from Wilmington. A humorous writer in Baltimore once named this part of the Eastern Shore a "glorified sandbar". When Father Mickle went to Cape Charles it was a small village of a few hundred people. As Bishop Curtis had designated Cape Charles as his place of residence long before he was ordained, Father Mickle used to say that he was a pastor several years before he was a priest.

He built his little church in a marshy part of the newly laid out town. He lived four years in his sacristy in those marshes before he built his rectory, acting as his own housekeeper and sexton, taking his meals at a modest hotel. He did much of the work himself. He wheeled bricks, planted trees, filled in streets with ashes, then with coal and brick. All the water used had to be carried from the pump in the yard. These were four hard long years for Father Mickle. The people did not welcome his coming, few spoke to him and the children were at times disrespectful. Father Mickle lived to see the day when every man, woman and child in Cape Charles was his friend. To-day, Catholic or Protestant passing that little church, gazing at the belfry on its gable, listening to the bell

he rang every day at the Angelus for forty years, thinks of him walking up and down outside its door, rosary in hand, of an early morning or sitting reading his breviary of late afternoons, and every thought is a prayer.

His first plan on arrival in this district was to get acquainted with the people, as no priest had ever lived there before and there was the prejudice of three hundred years to combat. He wrote to all the Catholic magazines and papers in the country asking the subscribers to remail the issue to addresses given by him. This work was followed by lectures, etc., in school houses, barns, by the roadside. The Bishop had told him " do things solidly ".

In the beginning (1889) Father Mickle was given charge of all the lower counties of the Peninsula—most of Talbot, Caroline, Dorchester, Wicomico, Worcester, Somerset Counties in Maryland, Accomac and Northampton in Virginia. He relinquished the first three the year following. He rebuilt the church in Easton (the chapel originally put up by the Redemptorists) the first year. The Bishop expressed surprise at the rapidity of the work. "Well, Bishop," said Father Mickle, " it is not surprising. You told me to build a church and I did. Had you told me to build a ship, I would have done it."

The church at Cape Charles was built in 1889. He built the rectory in 1893-1894 and the school in 1898. The church was built at Snow Hill in 1891, at Salisbury in 1892 or 1893 and at Westover about 1907. In 1910 he was relieved of all places in Maryland. Two counties in Virginia was all that was left to him.

His first congregation at Cape Charles were poor Bavarian laborers. He loved the poor and lowly and was ready to enter into and live the simple life they were forced to live. Although born and bred in the city he cultivated his little garden patch, like the neighbors round him. " Yesterday I planted quite a number of fig trees in the yard . . . the grass is becoming green, but I have not yet planted my beans . . . have a lot of onions growing nicely," he says in a letter to his sisters.

Only after eight years of struggle was he able to establish his school. He opened it with four Catholic pupils and with four teachers; which shows his ambitions. The sisters had to

support themselves largely by giving music lessons to the more prosperous of the Protestant children. The private records of the Sisters of St. Francis, kept so faithfully all down the years, reveal a tale of worry and struggle in which they so generously shared. The school was "established for Protestant children and Mother Agnes (Provincial), who fully appreciated the Bishop's purpose, kindly furnished the Sisters for the work". . . . It was the generosity of the Sisters and their zeal and charity that enabled the little mission school at Cape Charles to exist. Mother Agnes (Provincial of the Sisters of St. Francis at Glen Riddle) was moved by the spirit of an apostle to send Sisters there and to keep them there. It is safe to say that God will reward the zeal of this saintly soul by sending to her cherished Sisterhood many more such brave Sisters.

The school grew slowly until it numbered one hundred pupils, eighty-five of whom were Protestant children. In spite of hardships, criticism from all sources, struggle for existence, Father Mickle kept his school up for more than thirty years and even partially endowed it.

The Sisters had many duties besides teaching. The Sunday their pastor was absent on one of his missions (one Sunday out of every month) they had to ring the bell, read the Ordinary of the Mass and the Gospel. They were a very important part of the little church at Cape Charles.

The church held about four hundred people and Father Mickle, despite his ambitions, admitted it was a bit too large. He reserved the last four pews for mothers with babies and told them to "let them cry". Between the years 1890-1896 he had forty conversions to the faith, a wonderful piece of work under the circumstances, but they only filled a corner and his church always looked half empty. A remarkable feature of Father Mickle's many-sided zeal was his affectionate love for the Holy Father. His ingenious means of striving to implant in the hearts of his flock his own respect and devotion was most edifying. Even the non-Catholics came to share in part his singular magnetism in this respect, and they contributed toward his Peter's Pence yearly. He made a great function of this collection. In the rear of the church near the door was hung a framed likeness of the reigning Pontiff. Nearby he had placed a box for the Pope's collection.

Attention on previous Sundays was called to the duty of supporting the visible Head of Christendom. Finally when the time arrived for receiving the alms for the Pope, the Monsignor would assemble the altar boys in the sanctuary and go vested in stole and cope in solemn procession and everyone, including himself, placed his offering in the box. After this the people in turn filed by and likewise put their offerings in the same box. At times the total of his offerings from all sources was as much as is collected in some city parishes.

The high-light of his character perhaps was his apostolic zeal in giving missions to non-Catholics up until the weight of years prevented it. Fathers Mickle and Price (Father Fred Price who afterward died in China and who in early youth inspired many of his mission dreams) were pioneers in that part of the country in giving such missions. The work was carried on intensively during 1895-1905, with Father Temple as a companion. The mission ran from Sunday night to Friday night, as they both had to get home for Sunday morning. A hall was rented in some town where there was no Catholic Church, local papers advertised their coming, tracts were distributed and local Protestant choirs were engaged to supply the music. Upon arrival Catholic literature was distributed and a question box set up. Their sermons were usually well attended, and the audience was friendly. Their efforts undoubtedly would have brought forth many conversions only for the lack of priests to follow up the good work. Father Mickle describes in his inimitable way the usual procedure in such missions: "I hired a hall for a night—it was only a one-night stand—I got a boy with a big cow bell, and paid him twenty-five cents to walk down main street, ring the bell, stop when he saw people and yell—"Catholic priest in town! . . . Will be at such a hall at 7:30!" When the people arrived they found him in cassock and surplice standing at the head of empty chairs. Some came, but not all remained. A goodly number seated themselves and to these he explained the Catholic doctrines.

Some missions were given alone at little Tangier Island, midstream in the Chesapeake Bay, Chincoteague Island, Assateague Fish Factory, and the station at James Point, where occasionally he visited one lone Catholic family, saying Mass on a bureau and hearing confessions in the parlor.

In the primitive fashion of St. Paul, who walked into the areopagus of Athens and preached to the philosophers on the "Unknown God" and to others assembled along the riverside, he gathered the fishermen together and in their own language talked to them of the Catholic Church.

Besides the missions to non-Catholics, Father Mickle was awake to the spiritual needs of his own congregation at Cape Charles. He had some of the most distinguished preachers in our country come and conduct missions there at regular intervals. He himself did the lion's share of the work in striving to bring his people to these services. For months in advance he would speak in the church of the coming mission, on the streets, in the homes, everywhere the opportunity offered. Sometimes he would resort to what might be called flamboyant advertising. His usual means, though, was earnest prayer before the Blessed Sacrament, supplemented by personal appeals that touched and converted even hardened fallaways. His devotion to our Lord in the tabernacle was child-like and his instructions thereon would bring tears of devotion ano love to the eyes of his hearers. Next to this was his beautiful devotion to the Blessed Virgin. A light before her picture he kept burning the year round, tended lovingly by his own hands. He faithfully recited her rosary daily and bespoke her praises publicly during the month of May, and never grew discouraged even though but a bare half-dozen came to share with him his devoted services in her honor. His Forty Hours' Devotion awakened many a slothful soul to newborn love for our Eucharistic Lord. Visits from priests he seized upon as opportunities for confession for shy parishioners. Nothing was left undone, no scheme untried that his zeal could devise to bring souls back to God.

In appearance Father Mickle looked the big, wholesome, happy man that acquaintance proved him to be. He was tall, nearly six feet, well built, with broad shoulders, heavy voice and hearty contagious laugh. In young manhood his hair was dark. Shortly after he became a priest, and for the rest of his life, he wore a beard "to save time and look clean". He was a robust man with few illnesses in his life—typhoid fever in early years at Cape Charles and a sun-stroke with

one or two recurrences were about the only sickness he ever knew.

Life at Cape Charles was simple. His daily swim in the bay, round of work and visits, an hour of rest under the trees alongside his church greeting his folks as they passed, made up his day. (To this routine may be added fishing and duck shooting in season.) Book in hand he sat and rested in the cool of the late afternoons. It was his breviary or the classics he always studied. *Pendennis* was a favorite; Horace his love of loves. He would talk of Horace to anyone who would listen. His was an old edition in queer yellow print that someone else had read in the long ago and left dates of reading here and there, such as " Whit Sunday, 1748 ".

Events that broke the monotony of the daily round of duty were sick calls forty or fifty miles away, the occasional excursion to Norfolk to go to confession (an all-day trip) and the evening game of cards with " my three non-Catholic old men". And, of course, the visits to the Islands. These trips to the islands took two days and were filled with hardships. It was on a rough trip with Bishop Curtis to the fish factory at Assateague that he lost the valise containing a chalice of the Bishop and his breviary—two of his most treasured keepsakes. In the early days he was not a welcome visitor at some of his stations; in fact, his life was once threatened, but he went anyway. Mass at one industrial plant was at five o'clock and so he had to go the night before, sleeping in all sorts of places, sometimes on the floor because he could not bring himself to get into the bed. When his sister remarked upon the mortification of his act, he laughed and said it would have been greater mortification to have slept in the bed.

One peninsula was a desolate place, no house in sight, a few scattered little huts about ten miles away that could not be seen in the haze of early dawn. The dark made it impossible to go out and look up the men who were the only inhabitants. Father Mickle with his childlike simplicity just told some tough group of men, more amiable-looking than the others, that if they saw any Catholics—" I want to see them." It was a rough place filled with rough characters. At times he said Mass with nobody attending. Sometimes when a group was present he took up a collection without getting one penny.

"Anyway," he would console himself, "I had the satisfaction of knowing I tried."

He was interested in the tides, the weather, etc. He kept a record of the sunrise and sunset. . . "So daylight has gained one minute a morning and twenty-seven minutes in the evening," he writes. "I never kept account before, but I had an idea it worked faster in the evening than in the morning."

He was obliged to deny himself much, though his people were always good to him. He liked simple food—toast, eggs, milk and fruit. "But I could eat strawberries at the rate of two or three quarts a day," he would naïvely add. It is just as well he did like "simple" things, as life was never very flush at Cape Charles. Money was never plentiful. This, of course, he would not admit. But what a scrape it must have been all the time! "I came out thirty dollars short," he writes on one occasion of a little parish affair, "but I don't mind that—I always come out short on everything because I am not a money-maker." Even the "flourishing condition" he sometimes speaks about with such pride we cannot always agree upon. "My basket collection last week was $16.74, which is immense for this place. The average for January and February was $8.70. So you see things are looking up." As late as 1920, we find him writing: "First time in thirty years I have had my full salary and a balance of $151.98. So I am in a very flourishing condition." So doubtful were his friends of this "flourishing condition" that he very frequently had to show his bank account to prove he was still solvent. When he was ill, Bishop Curtis offered him money. He proudly told him that he did not need it. To others he brought out his little bank book "$350 for the church and $250 for the school". . . "I have no private account," he would add, "so I could die to-day and my estate would be nothing, as I wish it to be."

There is a gold mine to be found in his letters. He dearly loved his friends and frequently wrote to them. He bought them little gifts at Christmas time—"knick knacks" he called them. He sent them Christmas cards, insisting upon addressing each one himself. He frequently used to say, "I love my old friends and my old books." And sometimes he would teasingly add, "and my old clothes too".

His letters are photographs of Father Mickle living, moving and having his being in them. Above all, those to his spiritual children. How proud he was of them! The sister who was a lawyer before she entered religion; the boy who went away to college and got such excellent marks; the little girl, "Mine since she was three weeks old," who left Cape Charles to become a nun. Those of his spiritual children who became sisters held special place in his heart. He had a secret hope that one of his boys might become a priest. It was a great disappointment that none ever did. "He gladly gave hospitality to St. Mary's seminarians, Baltimore, unable to spend vacations in their homes. His exemplary life, his sound advice and his cheerfulness are gratefully remembered by them to this day." "But I sent three more girls to the convent, five in all" he would boast. "I think of you there in the convent," he writes to the favorite of favorites among these blessed children, "and I feel that I can hope to have a part of the credit of it. Sometimes I get the notion that I have spent my life as a failure and have done nothing, but then I suppose that is the right sort of feeling to have. Dear old Bishop Curtis used to say that failures were the only things worthy having. Still one cannot help wishing results from his work and I see none unless I can count you as a result."

Many honors could have been his. He would have none of them. In season and out he promoted the importance of country mission churches. He requested to be left always at Cape Charles. In 1915 or 1916 he was made Vicar-General of Wilmington Diocese with privilege of remaining in his own little parish. In 1927 he was invested as a Domestic Prelate. Upon this occasion his bishop said that there was no honor that he would not gladly request from the Holy See for Father Mickle in recognition of his forty years labors at Cape Charles. But Father Mickle wanted but one favor—to be left with his people until death.

Although reared in comfort above the average person, he limited himself to bare personal needs. His bedroom had no superfluities. A small iron bed (used formerly by Bishop Curtis), a tiny washstand of cheap make, a plain kitchen chair and a crucifix made up its furnishings. Upon being chided on one occasion for this Franciscan bareness, he laughed and

said: "What is the sense in having a lot of needless things in a bedroom?" Referring to this treasured Bishop Curtis bed, a religious Sister who knew Father Mickle very well, and who tidied up after his death, remarked: "None wondered he rose at such unheard-of hours when once they saw that bed! It had no springs—only a board." His devoted people knew nothing of such hardships—they were generous to him.

He never left his post excepting on duty. The trips to confession, his annual retreat, the quarterly conferences of the priests, a day in the city attending a funeral made up his vacations. Twice in his life he had a real holiday—the year before he was ordained when he went with his two sisters to Lourdes, and in 1922 on the occasion of his thirty-third anniversary, when he again went to Lourdes.

The twenty-fifth anniversary of his ordination was a big event in Cape Charles. It was a triple affair marking his anniversary of ordination, twenty-fifth birthday of his little church, twenty-five years as pastor of Cape Charles. All entered into the celebration. The next biggest affair was the investiture as Domestic Prelate. Non-Catholics and Catholics together gave him a motor car and another friend built him a garage. . . That gift of the car made his three remaining years of life much easier and his burdens much lighter.

With all his hardships and worries we find him writing to his sister: "My life has been an exceptionally happy one with so little to mar its peacefulness . . . so few trials and mortifications that I fear I shall have much to make up for in Purgatory." Perhaps this blessed peace was the reward for the years of labor and fretting. . . He himself often times laughed over his first youthful dreams and aspirations. And the "big" things he had hoped to do. "When I first came down here" he innocently confesses, "I thought I was going to convert a great lot of people all over the place. It is splendid to have such great expectations for they carry a man for a few years and then he obtains sense enough not to need them."

One of the last active things of note done by the Monsignor was to canvass the churches of the counties of the Eastern Shore of Maryland and Virginia to promote the fund to build and support churches and schools in remote parts of the

diocese that would otherwise not be able to have such a blessing. Actually with the hand of death upon him this great exponent of the country mission priest gathered together his last waning strength and preached up and down the counties of his beloved Eastern Shore this work of God. Like Moses, he but glimpsed the climax of all his life work and hopes in this last effort. Such a life cannot have been lived in vain, his works will live after him. He will do more in heaven for the waste places of the Eastern Shore than he was able with all his zeal to accomplish upon earth. Should this work alone be done during his entire episcopate, the Bishop of Wilmington would take rank with the apostolic pioneers of the Church in America and would embalm his memory in benediction in the hearts of his people. Thinking of all these dreams there is a note of pathos to be found in his last parish entry under date of May, 1930—" Cheered by several new families who have come to the district—good Catholics. It looks like a boom!" Dear soul, he never lived to see the gladsome day, but died at its dawning.

He was ill but a day or two, dying in St. Vincent's Hospital, Norfolk, Virginia, 16 August, 1930. When told by the priest that he was about to administer the last rites, Monsignor Mickle said piously—" Blessed be God!" He had been looking wretched for many weeks, but had stoutly refused to say that he was ill. One of his clerical friends whom he visited shortly before his death pleaded with him to remain in Baltimore and take treatment. He replied that he really did not have the time. He had to get back to his people. " He wanted to go to confession ", this priest continues the story, " I said to myself I would like to anoint you too. It was the last time I saw him alive."

He was buried at a point he had long ago chosen in a spot between the church and the rectory where he used to sit of the late afternoons reading his breviary or chatting to the people coming home from work. He scarcely had enough money to meet the expenses of his funeral. He gave it all away to the needy who never appealed to him in vain. But all who knew him remembered his words: " I never did care very much for money."

E. M. F.

Analecta

SUPREMA SACRA CONGREGATIO S. OFFICII.

Decretum de Cautionibus in Mixtis Nuptiis Praestandis.

Contingit aliquando mixta, quae vocant, matrimonia inter catholicum et acatholicum sive baptizatum sive non baptizatum contrahi, praestitis quidem requisitis cautionibus, eo tamen modo ac forma ut earum observantia, praesertim quod spectat ad catholicam prolis utriusque sexus educationem, aliquibus in regionibus, adversantibus legibus civilibus, efficaciter urgeri non possit, imo tum a locali auctoritate laica tum a ministro haeretico, invitis quoque parentibus, facile queat impediri.

Ne lex tam gravis, naturalis ac divini iuris, magno cum innocentium animarum detrimento, frustrata maneat, Emi ac Revmi Dni Cardinales fidei ac morum integritati tutandae praepositi, in plenario conventu habito feria IV die 13 Ianuarii 1932, prae oculis etiam habentes recentes Ssmi Domini Nostri Encyclicas Litteras, quarum initium *Casti connubii,* stricti sui muneris esse duxerunt, omnium Sacrorum Antistitum nec non parochorum aliorumque, de quibus in canone 1044, qui super mixtae religionis ac disparis cultus impedimentis dispensandi facultate aucti sunt, attentionem excitare et conscientiam convenire, ne dispensationes huiusmodi unquam impertiantur, nisi praestitis antea a nupturientibus cautionibus, quarum fidelem exsecutionem, etiam vi legum civilium, quibus alteruter sub-

jectus sit, vigentium in loco actualis vel (si forte alio discessuri praevideantur) futurae eorum commorationis, nemo praepedire valeat, secus ipsa dispensatio sit prorsus nulla et invalida.

Hanc vero Emorum Patrum resolutionem feria v die 14 eiusdem mensis et anni Ssmus D. N. Pius divinae Providentiae Pp. XI confirmavit et publici iuris fieri iussit, mandans ad quos spectat ut eam servent ac servare faciant.

A. SUBRIZI, *Supr. S. Congr. S. Officii Notarius.*

L. * S.

DIARIUM ROMANAE CURIAE.

PONTIFICAL APPOINTMENTS.

Privy Chamberlains Supernumerary of His Holiness:

16 June, 1929: Monsignors William J. Kinsella and Innocent Kestl, of the Archdiocese of Chicago.

16 January, 1930: Monsignor William J. Anthony, of the Archdiocese of Cincinnati.

14 January, 1932: Monsignor Joseph F. Croke, of the Diocese of Savannah.

Privy Chamberlain of the Sword and Cape Supernumerary of His Holiness:

5 November, 1931: Mr. Martin H. Carmody, of the Diocese of Grand Rapids.

19 November: Mr. Cedric Baxter, of the Archdiocese of Liverpool.

Knights of the Order of St. Gregory the Great, civil class:

1 September, 1931: Dr. Louis W. Alland, of the Diocese of Great Falls.

1 October: Mr. Joseph F. Bartley, of the Diocese of Peoria.

28 October: Messrs. George W. Schlindwein and John J. Meade, of the Diocese of Erie.

Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

IN HOW FAR DOES THE RECENT DECREE REGARDING THE CAUTIONES APPLY TO THE UNITED STATES?

The decree of the Holy Office of 14 January, 1932,[1] concerning the promises to be made before dispensation from the impediment of mixed religion or of disparity of cult can be granted, is a general decree. The question, however, may be raised in respect of its bearing on dispensations in this country, in so far as the conditions which it presupposes are verified or not. For the decree can be viewed either as requiring that the promises can actually be enforced in our civil courts or merely that civil law does not confer any power that permits civil authorities, non-Catholic ministers or other persons to interfere with the fulfillment of the promises. If the latter, the decree will have virtually no application in this country; if the former, the decree seems to make it practically impossible to grant valid dispensation for mixed marriage in the future. In either eventuality, it is of the greatest interest to seek an answer to the question.

Is the Possibility of Enforcing the Promises Required?

In its preamble the decree does indeed speak of the impossibility of really enforcing the *cautiones*. But even here it presupposes the existence of contrary civil laws which will prevent the enforcement of those promises. What is more important, however, is that the enacting paragraph makes no mention of requiring the possibility of ENFORCING the *cautiones*, but merely of civil laws making it possible to PREVENT the fulfillment of the guarantees. Now while there is in this country no enabling statute directly authorizing anyone to enforce the *cautiones*, neither is there any contrary law that

[1] *Acta Apostolicae Sedis*, XXIV (1932), 25. Eccl. Review, April, 1932, pp. 406-7.

would empower any "local secular authority" or any "heretical minister" to force the mixed-marriage couple to rear all or some of their children in a non-Catholic religion, as may be and actually seems to be the case in certain European countries where a non-Catholic religion is recognized as the state religion.

It may be objected here that there is indeed no statute which prevents the fulfilling of the promises, but that the several cases in which the question of enforcing the *cautiones* has been submitted to our civil courts, have all been decided adversely. To this the reply can be made that at another place in the present issue of THE ECCLESIASTICAL REVIEW Father White shows (1) that these decisions rest on a wrong application of precedents; (2) that it is not so certain that cases presented in a different and more correct light, especially as regards public policy, must be decided adversely; (3) but rather that, especially in view of the changing legal opinion now gaining favor in our civil courts regarding right of personality, it is to be hoped that favorable decisions in such cases will uphold the *cautiones* and enforce their fulfillment.

All this seems to justify the conclusion that, for the validity of dispensations from the impediment of mixed religion and of disparity of cult the recent decree of the Holy Office does not demand that civil law enable the Catholic party or, after the latter's demise, his Catholic relatives or the Church, to enforce the promises made before the dispensation was granted.

ABSENCE OF CIVIL LAWS PREVENTING THE FULFILLMENT OF THE PROMISES.

The preamble of the decree makes it clear that the real occasion for the decree of the Holy Office is the fact that the civil laws of some countries are such that they allow certain officials or even heretical ministers to interfere with the fulfillment of the *cautiones* and effectively procure the non-Catholic education of all or at least some of the children sprung from the mixed marriage, even though the parents have given the *cautiones* sincerely and are willing to fulfill them. And it is only such interference with the fulfillment of the promises that is touched upon in the enacting paragraph. There it is forbidden under pain of invalidity of the dispensa-

tion to grant it, if the civil law creates effective interference with the carrying out of the promises. There is a special reason for this prohibition. Canon 1061 § 1 (and by comparison with it canon 1071) lays down the conditions under which a dispensation from the impediment of mixed religion or of disparity of cult can be granted. Number 2 requires the promise of the non-Catholic that he will not interfere with the Catholic's practice of his religion and the promise of both parties that all the children born of the marriage shall be baptized and brought up in the Catholic religion. And number 3 requires that it be morally certain that those promises will actually be fulfilled. Note this, the section demands the moral certainty not merely that the parties give the promises sincerely and, so far as can be foreseen, will not themselves break them, but also that the promises will not be frustrated through any cause whatsoever. Now the presence of adverse civil laws enabling either civil officers or non-Catholic ministers or any other persons to prevent the fulfillment of those promises would destroy the moral certainty that the promises would actually be carried out. Viewed in this light the new decree would be no more than an authentic interpretation of one case in which that moral certainty is wanting and in which therefore a dispensation could not be granted.

But does the recent decree not inculcate any new provision for the greater assurance that the parties themselves will fulfill the promises they make? If the above restricted explanation of the decree holds, then it apparently does not require any added safeguard for the faithful fulfillment of the promises on the part of the couple themselves, beyond what is contained in canon 1061 § 1, no. 3. There it is already prescribed that there must be moral certainty that the promises will really be fulfilled. This applies first and above all to the sincerity and trustworthiness of the parties themselves. But without this moral certainty a dispensation cannot validly be granted, as becomes more evident from the quinquennial faculties granted our Bishops, where it is expressly stipulated that they are empowered to dispense from the impediment of mixed religion and of disparity of cult, "dummodo prius regulariter ad praescriptum Cod. I. C. can. 1061, § 2, cautum omnino sit conditionibus ab Ecclesia requisitis, et *Ipse R.P.D.*

Ordinarius moraliter certus sit easdem impletum iri, . . ." According to canon 39 this constitutes an essential condition, so that in the absence of that moral certainty the dispensation cannot validly be granted. Now if the promises are given in a manner that assures with moral certainty that the parties will keep them and if at the same time no third persons are enabled by civil law to interfere with their fulfillment, there does not appear to be any grave apprehension on the part of the Church that the promises will actually not be fulfilled.[2] Hence it would appear that this decree does not demand any greater assurance that the parties can and will carry out their promises than is already demanded in canon 1061 § 1, n. 3.

If then this appraisal of the decree of the Holy Office is correct, it would follow that directly and immediately the decree will not affect the granting of dispensations for mixed marriages in this country, so long as no such adverse civil laws as are referred to in the decree are enacted by our legislatures.[3]

Indirectly, however, it will have this effect that it will draw the attention of our Ordinaries, pastors and other priests to the need of greater care in obtaining the prescribed *cautiones,* in assuring themselves of the moral certainty that the parties are sincere in making the promises and that they can and will fulfill them, in instructing the faithful and the non-Catholic parties to mixed marriages of the import of those promises and finally in following up the cases after mixed marriages have been contracted in order to assist by prudent advice and exhortation in the fulfillment of the promises.

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[2] In certain cases the greater or lesser dependence of the non-Catholic upon his family may also make it doubtful whether he will be able to live up to his promises, despite his good will. Then, too, the necessary moral certainty would be lacking. But this is a matter that must be judged by the circumstances in each instance.

[3] If it is foreseen that a couple will sooner or later transfer their residence to a country where such adverse laws are in force, the dispensation could not validly be granted even in a place where there are no such laws. For the laws of their future residence will effectively prevent the fulfillment of the *cautiones.*

CAUSES OF CATHOLIC LEAKAGE.

To the Editor, THE ECCLESIASTICAL REVIEW.

The discussion of Catholic leakage in the December issue of the REVIEW has occasioned widespread interest and stimulated a discussion from which certain conclusions would now seem to emerge. (1) The statistics of *The Official Catholic Directory,* not only in regard to population but also in regard to baptisms and deaths, are apparently so "unbelievably untrustworthy" as to afford no reliable basis for the determination of the gain or loss of the Catholic population for the year 1930. (2) It follows, therefore, that the basis for the estimated loss of half a million for the year 1930, is undermined. While Dr. Ross writing in *The Commonweal,* 17 February, 1932, seems to contend that the essential framework of his statistical computations still stands, the evidence presented by both Dr. Shaughnessy and Fr. Bernarding is sufficient to shake the confidence of the writer in the reliability of any conclusion based on the figures of the *Directory.*

It is probably a matter of astonishment to most priests, as it is to the writer, to discover as a result of the excellent studies of Fr. Bernarding and Fr. Shaughnessy just how freakish, untrustworthy, and deceptive these figures really are. Fr. Bernarding puts the case in a nutshell when he reaches the following conclusion concerning the reliability of the *Directory* figures: "That they are faulty, most priests realize; just how faulty they are, probably very few know. It is only by tables of the returns extending over a number of years, such as the writer has kept for the past decade, that this comes to light. These tables show that out of 108 dioceses and vicariates recorded in the *Directory,* only thirty-eight, or about one-third, have never sent in the same population figures two years in succession. All the rest have duplicated figures repeatedly, *most of them as often as five or six times,* and in this some of the large dioceses are the worst offenders."

The gratitude of all the readers is due to both of these writers for the abundant evidence they have presented showing that the figures in the *Directory* are "unbelievably untrustworthy," and for all practical purposes either utterly meaningless or positively deceptive. Their studies raise in more acute

form than ever the question, " Can not some uniform system or method be worked out for the gathering of these vitally important statistics, so that they will be at least substantially reliable? " This appears to be urgently needed if we are to secure any dependable measurement of the annual gain or loss of Catholic population. As Bishop Noll points out, we can not at present determine " whether the Catholic population is growing or declining ".

Before taking up the discussion of the sources of leakage, may I refer briefly and impersonally to two criticisms? Dr. Shaughnessy characterizes my presentation of the statistical groundwork published by Dr. Ross in *The Commonweal* as " slavish copying," and because I presented one of these computations twice, I am convicted of " absurd logic ". Careful reading of my article will disclose my express acknowledgment of Dr. Ross's study as the source of the data presented, coupled with reference by name to Dr. Ross *not less than six times*. This shows that I made no pretense of originality and was content to play the humble rôle of reporter. Furthermore, I secured a more detailed statement of the statistical method used by Dr. Ross than appeared in *The Commonweal,* and presented it in a footnote so that it might be subjected to the most searching scrutiny. While presenting his thesis as cogently as I could, I invited refutation of the statistical groundwork by the presentation of factual evidence. Both Fr. Bernarding and Dr. Shaughnessy have presented abundant evidence and have the gratitude of the readers and of myself for so doing. In stating the above I do not wish to shift any onus to Dr. Ross. For carrying the discussion to the REVIEW, where it would receive due attention and scrutiny, I assume sole responsibility.

It will be remembered that earlier in the year a story had appeared not only in every Catholic paper but in practically every secular newspaper in the country, stating that according to figures released by the *Directory,* the Catholic population of the U. S. for the year ending Dec. 31, 1930, was 20,091,593. This, the news story stated, represented a gain of but 13,391 over the preceding year in spite of the addition of 39,528 converts. On the very face of the story, there was apparently a loss in the number of born Catholics, which became dis-

turbingly large when one realized that the natural increase by excess of births over deaths, would alone mount into the hundreds of thousands. A few months later appeared Dr. Ross's article. What better place to have this disturbing problem solved than in the REVIEW, a magazine for the discussion of problems affecting the priestly ministry? Like every other priest in the country, I am glad to learn that any story based on the *Directory* figures is, as Mark Twain observed of the report of his death, "slightly exaggerated".

Secondly, Fr. Shaughnessy pictures the writer as charging that the Church in America is "decadent, corrupt, and corroded to the heart," and as attacking "the good faith of bishops, priests, and people". Why? Because of the view I expressed that "we have unwittingly and unwillingly contributed vast annual quotas of born Catholics to swell the ever-growing army of the churchless around us." But this is a complete *non sequitur*. Even if the loss were so great as one out of every forty, it would not be a direct reflexion upon our bishops, priests, and people. The unfairness and the illogicality of such a charge can be clearly shown by a simple *reductio ad absurdum*. One out of twelve left Christ. Shall we say, therefore, that Judas's defection is a direct attack upon the character of Jesus Christ? *Qui nimis probat, nihil probat.*

CAUSES OF LEAKAGE.

Let us come now to the causes of leakage. There is probably no priest in America who will question the fact that there are defections from the Church here, as there are in every country in the world. Not only now, but in every age since Judas sold his Master for thirty pieces of silver. What is the size of the annual leakage? There are apparently no reliable statistics by which this can at present be determined. But that it is too large to be ignored, is also the conviction of every priest out on the firing-line. There is probably scarcely a parish in America but has its quota of sheep "lost, strayed, or stolen". That few from our ranks are to be found in the constantly increasing army of over sixty-five millions of people, surrounding us on every side, who are unaffiliated in any active way with any church, is an illusion held by none of the bishops or priests with whom the writer has convassed the subject.

In a recent address, Cardinal Mundelein pointed out that, with the streams of immigration stopped, the growth of the Church will be effected by gaining converts and stopping defections. But in order to stop defections it is necessary first to discover their causes. In order that the study might reflect something like a cross-section of the observations and experience of the bishops and priests of the country, about forty personal letters were sent in December and January to prelates, pastors, and priests engaged in education and acting as editors in various parts of the United States. In addition, about ten laymen who are distinguished for their services to the Church, and who have unusually wide contacts, were consulted. The response manifested a degree of interest on the part of bishops, prelates, members of the secular and regular clergy, as well as of laymen, that was little short of a revelation to the writer. All but about three responded. Many went out of their way to say that the investigation was most timely and that nothing but good could result from a frank and courageous facing of the causes of leakage.

I. LACK OF PRIESTS AND CHURCHES.

One of the fundamental causes for leakage has been the lack of an adequate number of priests to provide the ministrations of religion for a population which in a little more than a century and a half has spread over a vast wilderness of forest and prairie stretching from the Atlantic to the Pacific. In this incessant trek of vast migrations to the West, it was inevitable that great numbers of people would find themselves in settlements where there was neither priest nor church, and where a priest would not be seen for years. Despite the heroism of those pioneer priests and missionaries, the vast expanse of territory made it simply impossible for them to reach the myriad settlements which sprang up everywhere in the marvelous epic of the making of America.

The carving of a vast empire out of a virgin wilderness covering an expanse of over three thousand miles in a little over a century and a half, has had as its inevitable concomitant the dispersion of uncounted numbers into settlements where the ministrations of religion could not possibly be secured. The result has been that great numbers—whose magnitude we can

only conjecture—deprived of contact with priest, sister, or teaching brother, have been lost to the faith.

The conditions described are still to be found in some degree in the missionary dioceses of the South and West. A bishop in the Southwest informs the writer of parishes in his dioceses which cover over a hundred miles before the nearest parish is reached. There are families in remote parts of these parishes, comprising a territory larger than some whole dioceses in Europe, which can be reached only a few times a year. Priests who have labored in missionary dioceses in the West and South have reported visiting out-of-the-way settlements and encountering families who had not had the ministrations of a priest either to baptize their children or bury their dead for over a decade.

It was because of conditions such as this that Bishop Kelley established the Extension Chapel Car, to bring the comforts of religion at least periodically to thousands of scattered settlements in remote districts of our country. The erection of hundreds of little mission churches by the Extension Society and the sending of priests to minister to them occasionally have undoubtedly served to rescue many thousands who otherwise would have lapsed, due to circumstances over which they had little or no control.

The evidences of lapses due to this factor are not, however, confined to the South or West. There are scars to be found in probably the great majority of counties in our land. Take, for instance, the heart of Illinois, where the Church is vigorous and well-organized. From the church in which the writer ministers you can travel in one direction over an arterial highway thirty-five miles before you come to another Catholic church. Yet along that highway you pass through eight towns, villages, and settlements in which there is not even an out-mission. For fifteen years the writer has read in the local newspapers of marriages and burials of scores of people with distinctively Irish Catholic names—the services taking place in Methodist, Baptist, Presbyterian, or Disciples' churches.

According to pioneer priests they are the descendants of families which settled there in the early days when priests were very few and they have been for over half a century without

the ministrations of priest or church. The result is that there is scarcely a vestige of Catholicity left in the families throughout this particular territory. Priests have informed the writer of many such territories where a similar story could be told. Indeed the question might well be raised as to whether there are many counties in the country in which evidence of the ruthless operation of this factor could not be found.

Dr. Charles P. Neill, who has brought honor to the Church by the distinguished record he has achieved in the friendly settlement of disputes between capital and labor, from the administration of President Roosevelt to the present time, lays great stress upon this factor. Incidentally Dr. Neill reports that Archbishop Ireland, strongly convinced, as a result of his long ministry and his wide observations, of a tremendous leakage, urged Dr. Neill to make a thorough investigation of its extent and causes. It is a real misfortune that the pressure of many duties prevented so able a scholar in the social and economic fields from undertaking such a systematic investigation many years ago. "I think there is no doubt," says Dr. Neill, "that there has been a tremendous leakage, and some valuable studies might be made in this field. A very thorough investigation should be made." Perhaps it might still be possible to secure Dr. Neill to direct such an investigation on a nation-wide scale, if it could be properly financed. The writer knows of no one more competent. The results would be invaluable.

Stressing especially the lack of priests, Dr. Neill relates how this was driven home to him at Johns Hopkins. "At an earlier period," he writes, "I think there was a tremendous falling off due to an environment in which there was lack of opportunities for the practice of the Catholic faith. This was brought forcibly to my mind a good many years ago when I was a student at Johns Hopkins. Another Catholic student and myself who were in the graduate department decided to attempt the organization of a Catholic society from among the graduate students in the Department of Economics. We went over the list of names and found such names as Riley, Callahan, Moran, and similar names which gave us reason for believing that they might be Catholics. We approached these students, to find that none of them were Catholics. Going into

the matter with them we found in practically all cases, that the families had originally been Catholic a few generations back. Some of them were from southern states where in the early generations the Church was very poorly organized and where probably they did not see a priest as often as once a year. One particular case impressed me very strongly where the student's name was M . . . , from Michigan. He told me that his family had moved to Michigan in the early days and were Catholics, but that there was no church organization in the section to which his grandfather had gone and that gradually they had drifted away from the Church entirely, although the descendants of his father's brother, who had remained in the east, were all still members of our Church."

2. LACK OF RELIGIOUS INSTRUCTION.

In the judgment of Bishop O'Hara and of a considerable number of the contributors to this investigation, lack of religious instruction is the largest single cause of leakage at the present time. Bishop O'Hara gives the following succinct statement of the case: "We have 18,000 churches and only 8,000 schools. Consequently, there are 10,000 groups of children who, under our futile system of Sunday schools, have very little chance to know what their religion is about. Our 2,500,000 children not in Catholic schools need to be better cared for. Real religious instruction, on the intellectual plane, is of course, by necessity, a matter of adolescents and adults. A mastery of the abstract principles of religion is only possible to minds somewhat developed. Here is a great weakness. The vast majority of young folks in America get secular training in high schools and large numbers in colleges, but comparatively few Catholics have religious education beyond the eighth grade. Adult religious education must keep pace with adult secular education—or religion must suffer a loss. The large number who cannot be brought to Catholic schools, have been very largely neglected."

The importance of this factor is likewise stressed by Monsignor Joseph H. McMahon, who ranks it as one of the two most prolific causes of defection. "In regard to this factor," Monsignor McMahon writes, "we find it almost impossible to get the children attending the public schools to come for religious instruction, or even to Sunday school. Once they

have been graduated from the elementary grades they are lost to us as a rule unless the home be thoroughly Catholic. This is unlikely, as, if it were so, the children would not be attending public schools. Of course parishes are to blame where there are not Catholic schools. In some cases the higher authorities have all the blame . . . Unless our children go from our elementary schools to Catholic high schools, (1) they never get more than an elementary education in their religion; (2) their association in public high schools dulls their faith, weakens their hold on the religious knowledge they possessed when leaving the elementary schools; (3) kills all devotional practices; (4) destroys any idea of making sacrifices for their faith; (5) gradually eliminates the supernatural from their lives and leaves them with the secular standard of worldly success as the one object worthy of achievement."

Similar stress is placed upon lack of religious instruction as second among the causes why so many Catholics are falling away to-day, by Fr. Joseph McSorley, C.S.P., who says: "There is too little education of the sort which will fit the soul of the individual for the trials—moral and religious—of life." Our people do not know their religion. We do not equip them with a personal apologetic with which they can meet the onset of hostile criticism, or even their own difficulties arising from modern unbelief and indifferentism."

That the problem of devising more effective means of reaching with careful systematic religious instruction the 2,500,000 children not in our parish schools, is one of the most urgent facing us to-day, is becoming increasingly apparent to pastors everywhere. Until this gap is plugged, it seems inevitable that a continued leakage of large proportions will occur. Readers are probably aware of the two means which Bishop O'Hara has devised of meeting this problem, at least in part—the religious vacation school and the Confraternity of Christian Doctrine. Dr. Matthew Smith of *The Denver Register* calls attention to another practice instituted by Bishop O'Hara for reaching with a religious message people who would otherwise go untouched.

"It has always been my opinion," says Dr. Smith, "that our rural churches were used too little. If a priest goes only once a month, that is no reason why the church should remain locked

at other times. Bishop O'Hara has the people gathered together in every mission each Sunday morning for recitation of the Rosary, reading of the Epistle and Gospel by one of the men, and then a catechism lesson for the youngsters and a study-club session for the adults. The results have been startling. The idea is very old—it is merely an adaptation of the catechist method to our rural missions. If it had been followed a generation ago, thousands who are now Methodists, Baptists, or nothing, would be Catholics. May the movement started in Great Falls spread!"

3. LACK OF HOME TRAINING.

It would seem difficult to overstress the basic importance of proper home training. Church and school will labor in vain, unless the home supports and reënforces the ministry of the other two agencies. It has been the experience of priests, sisters, and teaching brothers that a bad home environment will often speedily nullify the teaching imparted in church and school. A zealous priest who has spent about a quarter of a century in the ministry states the case well. "My experience has brought me into contact with thousands of young Catholics, and I am convinced that the kind of home they come from is much more important than whether they went to a Catholic school or not. Generally speaking, neither the church nor the school can make up for home deficiencies. The home remains the most important agency for religious training and the formation of character. One reason, of course, for the failure of so many homes to give proper Catholic training is the general break-down of the home. But another reason is the emphasis placed on Catholic schools. In September our people hear sermons that seem to say they fulfill their responsibilities as parents if they send their children to a Catholic school. For every such sermon, there should be a second one to emphasize the duties of parents at home for the religious education of their children. In line with this, our schools—at least high schools and colleges—should be doing more than they are to train our young people to fulfill their parental duties later on. And our parishes should strive to develop some machinery for adult education looking in the same direction."

Proper home training is of supreme importance. It must be made focal in our thinking. There has been apparently

too much reliance upon other agencies, too great a tendency to shift the unescapable duties of parents to the shoulders of sisters and priests. There is need of driving home to parents the stern realization that upon the fidelity with which they discharge their divinely appointed duties of training their children in the knowledge, love, and practice of their holy religion, the continued growth of God's Church in America will largely hinge.

While the above is only the scratching of the surface of the causes of leakage, and only a fragmentary reflexion of the convictions expressed in over a hundred pages of letters on the writer's desk, it may suffice as the first study of the causes of leakage and of methods of stemming them. Loyalty to Christ and to His holy Church does not require that we ignore defections, but that we search for them with eager and open eyes, and upon finding them that we strive by might and main to lessen and eliminate them.

Seated at Jacob's well, the Master pointed toward the Samaritans thronging toward Him, and addressed to His apostles the message that comes to us to-day with peculiar urgency: "Behold! I say to you, lift up your eyes and see the countries: for they are *white already to harvest.*" Until the last sheaf of human souls is gathered unto the eternal hills, and placed at the feet of the Divine Master, the priests of America will struggle and labor and pray, conscious that the stars in their courses are fighting for us. No matter how the tide of victory ebbs and flows, we know that God, and everlasting truth and the "victory which overcometh the world, our faith" are on our side.

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A PASTOR'S EXPERIENCE OF "LEAKAGE".

To the Editor, THE ECCLESIASTICAL REVIEW.

During the past few months I have read with much interest the various articles published in *The Commonweal* and THE ECCLESIASTICAL REVIEW on the subject of Catholic "leakage," and before Father Ross's conclusions are triumphantly refuted and his case laughed out of court, I should like to

present a little evidence for the prosecution in a vein somewhat different from *Directory* statistics.

Experience makes pastors a hard-headed lot, says in effect Father Bernarding in the February ECCLESIASTICAL REVIEW; so let us hear from the pastors' experience.

For example, let the parish priest call in his altar society, or another group well acquainted with the parish, and ask the members to write down the names of Catholics who have been married outside the Church, by civil authority or Protestant minister; let him examine his own records and see how many mixed marriages he has on record; finally, let him note how many marriages he has performed where both parties are Catholic. I venture to say he will be surprised. Then let him make his own estimate of the country at large and see what is his own conclusion as to losses.

We all know too well that seventy-five per cent of the children of mixed marriages are lost to the Church, whether baptized or not. We further realize that of the children of Catholic marriages outside the Church at least ninety-five per cent are lost to the Church. Pondering on these figures, we may perhaps have reason to wonder whether Father Ross's figures, however he obtained them, were not conservative.

Taking the case nearest at hand, I so checked up the records of my own small parish during my five years' administration. I found a definite fifty per cent loss of the young folk of the parish when they married, that proportion marrying outside the Church. By missions and personal work, about one in five of these marriages is rectified.

It so happens that I could get exact figures on nine-tenths of the parish, and of the other tenth, being a very distinct group, I could personally remember a sufficient number of cases to check up the remainder with fair accuracy.

It is quite true that I have rather special conditions to face here which do not apply everywhere, but I see no reason to suppose that the difficulties of shepherding a flock here are much greater here than elsewhere in the country. Every place has its own peculiar "hazards".

One cause I found for the civil or Protestant marriages was ignorance of the law on the part of an immigrant population. A greater was the marriage of divorced persons. The greatest

of all was indifference. A few were coldbloodedly entering trial marriages with the idea that they would come to the priest later if they decided to make it permanent.

Probably the greatest reason for this loss by marriage was found to be the general attitude toward marriage in the country. This attitude has affected our own people markedly. On those individuals who by the grace of God fall in love with their own kind, the effect is slight. But the unfortunates who desire to marry divorced persons or bigots, or who for reasons of supposed health, economics, or plain laziness, do not want children, can find plenty of justification in current public opinion as fostered by literature, drama, cinema, and general conversation.

Since I see no reason to suppose that my parish is worse than others in the country, I freely predict that nine out of ten pastors who take this method of the investigation of leakage will have a shock, although I hope and pray that it may not disclose conditions so serious as I found them; else the Church is coming into a period of loss rarely equaled in history.

Such an investigation, if it does not entirely corroborate Father Ross's figures, will certainly accentuate the note of alarm which he has sounded.

In this investigation I have checked current figures against similar figures. And in reckoning the number I have lost by marriage outside the Church if I say, "I have lost 2% of my people by bad marriages last year," it can be called leakage, a word to which we are all hardened. But when I say, "I am losing 40% of my young folks and their prospective children when they marry," that is disaster.

Father Bernarding says: "That there is a leakage and perhaps not an inconsiderable one, all of us will readily admit. That it is anywhere near the floodtide of half a million a year, few priests will grant, because the statement . . . is belied by their daily experience."

Perhaps he has come sufficiently near to proving his case to be complacent about it. Daily experience, unless combined with keen and careful observation of the point in question, may yield an impression which later may prove to be very far from correct. I have in mind more than one instance where able men, in checking their own estimates from experience, found that they had erred by as much as 400%.

Father Bernarding's concluding words give but too painfully accurate a summary of the state of mind of the hard-headed clergy he mentions. He says: "Consequently their [the pastors'] reactions to Father O'Brien's article might be summed up thus: 'Losses to the Church? Yes. Tell us how to stop them. Half a million a year, one in every forty? Never!'"

Mildly regretful of losses to the Church; absolving themselves of responsibility in the matter ("Tell us how to stop them."); denying such loss on the basis that they have not noticed it.

Daily we say "mea culpa" before we ascend to the altar. Perhaps if we said it on some other occasions it would not be entirely out of order. B.

THE LEGION OF MARY IN THE UNITED STATES.

To the Editor, THE ECCLESIASTICAL REVIEW.

I have read with great interest the article in the March REVIEW "Is this the long looked for Church Society". My answer is emphatically yes. I was very much impressed when I read Fr. Donovan's account for the Legion and his visit to Dublin in the *Register*. I wrote to him about the Legion of Mary, and he refered me to Mr. Duff. The literature and letter Mr. Duff send me convinced me that the Legion could function here in Raton. With the pastor's permission and full approval, I set about organizing the Legion. I spoke to the K. of C. at their regular meeting about the work of the Legion. Enough charter members were obtained to call the first meeting for 27 November, the feast of the Miraculous Medal, a special feast day for the Legion. At first the men were hesitant about it. They were afraid they could not live up to the high standard demanded by the Legion. But when they saw their efforts bring results from the very beginning they placed all their confidence in Mary. Every meeting seems to find them more enthusiastic about the Legion than at the one before. At the second meeting one of the members was able to report that he had brought two men along to church who had not been there for years. These same two men of their own accord have

brought ten more to church since they started to come every Sunday. They will join the Legion as soon as a Praesidium is started in their camp. This will be in the near future. Last Sunday the attendance at Mass was over 75 more than it was before the Legion started its work. Everybody can notice the increase of attendance at Mass and the frequentation of the sacraments. Some have come to the sacraments who did not receive them for over twenty years. Several marriages will be revalidated before Easter.

As far as I can find out, this is the first Praesidium to hold regular meetings in the U. S. A. I feel sure that once the wonderful work of the Legion becomes known they will be numbered by the hundreds. The Legion affords a practical way of taking hold of Catholic Action. To quote from the Legion's Handbook: "The Legion is Catholic Action safeguarded in the manner stipulated by the Holy Father, that is by plenteous prayer and self-sacrifice, by exact system, and by complete coöperation with the priest."

After working with the Legion of Mary for over three months, I realize the full meaning of the words in the first letter Mr. Duff wrote to me: "His Holiness the Pope recently expressed his desire that the Legion should spread over the entire world. He is quite certain that IF EACH PRIEST HAD AROUND HIM A BRANCH OF THE LEGION, HALF THE SIN OF THE WORLD WOULD BE QUITE SWEPT AWAY." I wonder if any other society has such an approval from His Holiness. Mr. Duff told me too that so far no Praesidium has been started which has been abandoned. The important thing is to start the system right without making any change. The handbook says —if you do not want to comply with the system, do not call it the Legion of Mary. I shall be glad to give further information about the working of the Legion, to anyone interested in giving the Legion of Mary a trial to bring back souls to Christ.

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PASTOR'S POWER TO DISPENSE FROM FAST AND ABSTINENCE.

Qu. Canon 1245 reads: "§ 1. Non solum Ordinarii locorum, sed etiam parochi, in casibus singularibus justaque de causa, possunt subjectos sibi singulos fideles singulasve familias, etiam extra territorium, atque in suo territorio etiam peregrinos, a lege communi de observantia festorum itemque de observantia abstinentiae et jejunii vel etiam utriusque dispensare."

Has not a pastor, according to this canon, authority to dispense all members of his parish from fasting and abstinence on a holiday, e. g. Memorial Day, which falls on a day of fasting and abstinence?

An opinion has been expressed that this canon permits a pastor to dispense individuals only or a group of individuals such as a family, but does not allow him to dispense by one announcement the entire parish.

Is the authority to grant to the entire parish dispensation from fasting and abstinence on certain days restricted to the bishop?

ORDINARY.

Resp. Both the wording of § 1 of canon 1245 and a comparison between paragraphs 1 and 2 will give the immediate answer to this inquiry. First, § 1 explicitly states that the power of Ordinaries and pastors to dispense from fast and abstinence is restricted to dispensing *individuals* or *individual families.* Paragraph 2, however, empowers Ordinaries only, but not pastors, to dispense their whole diocese or entire localities, e.g., cities, towns, parishes or other smaller units belonging to the diocese. Hence it is evident that pastors cannot, in virtue of § 1, dispense their entire parish as such. But they can dispense every member or every family of the parish, provided a just reason exists for every member of every family. In this case it would seem that they would be justified in dispensing by one act, but, as it were, each individual or each family separately. Such a dispensation granted by one act, but in favor of all the individuals or all the single families, would really dispense only those parishioners or those families which have just cause for the dispensation.[1]

[1] "Si quis tamen noverit causam excusantem vel dispensationi sufficientem (v. g. studia) in singulis vere haberi, tunc dispensatio uno actu iis omnibus data fit *virtualiter multiplex,* quasi successive sit omnibus distributive data."—Vermeersch-Creusen, *Epitome,* (4. ed., Malines: H. Dessain, 1930), II, n. 254; cf. I, n. 174.

Can pastors then dispense each and every member or family of the parish by one act, but as individuals on civil holidays? The mere reason that it is a civil holiday does not seem to suffice.[2] For § 2 of canon 1245 empowers Ordinaries to dispense from fast or abstinence or both, not because of the civil holiday,[3] but on account of the *special* reason of a large gathering ("ex causa peculiari magni populi concursus"), a circumstance that will usually entail a difficulty of providing sufficient food of the character permitted on days of abstinence and render fasting more than usually burdensome. It is not necessary in this case that the occasion be a religious gathering, but it might be any extraordinary concourse even of a civic nature. And a dispensation granted by the Ordinary for such an occasion may be made use of not only by those who actually participate in the assembly, but also by all who are in the place (town, city, diocese) for which the dispensation is granted.

On days, however, when there is no such extraordinary gathering of large numbers, a pastor could dispense, e.g., all those who celebrate a civil holiday in a manner that might make the observance of the law of fast and abstinence a real burden. Thus if they take refreshments with them on an automobile trip, it is frequently quite inconvenient to carry abstinence fare in a manner that they will remain fresh and palatable. Such a circumstance would constitute a sufficient reason for dispensing such persons or families, but only as individuals, not the entire parish as such.

FORMULA REPEATED FOR EACH COMMUNICANT.

Qu. I find that some of the clergy do not use the whole form for each communicant when giving Holy Communion, namely, "Corpus Domini nostri Jesu Christi custodiat animam tuam in vitam aeternam. Amen." They distribute Holy Communion with all possible speed and say the formula once for, let us say, half a dozen communicants. Can this be justified? It is asserted that it is impossible to follow the prescribed rite in our day of many Communions that must be distributed within a certain time. Thus they

[2] "Wegen eines blossen kirchlichen oder weltlichen Festes kann keine allgemeine Despens erteilt werden."—N. Hilling, *Das Sachenrecht* (Freiburg i. B.: Josef Waibel, 1928), p. 147.

[3] Cf. "Indult to Dispense from Fast and Abstinence on Civil Holidays", ECCLESIASTICAL REVIEW, LXXXVI (1932), 89-90.

seem to be using a sort of epieikeia in the administration of this greatest of the Sacraments—and not exactly to the edification of the faithful either. If the omission of so-called non-essential parts can thus be justified in this case, it could also be so done as regards other matters, e. g., the administration of Baptism, the prayers of the Mass even, since the legislator never took into consideration that there would be so many Masses to be said within such and such a time. I would appreciate an explanation of the matter in the REVIEW.

Resp. In the latest official edition of the *Rituale Romanum,* printed by the Vatican Press in 1925, the same rubric as before is to be found concerning the formula to be said by the minister who distributes Holy Communion, viz., "Sacerdos *unicuique* porrigens Sacramentum, et faciens cum eo *signum crucis* super pyxidem, simul dicit: Corpus Domini nostri Jesu Christi custodiat animam tuam in vitam aeternam. Amen." (Titiulus IV, Caput II, No. 5.)

Now this new Ritual is up to date and abreast of the times. It has notably improved and remodeled earlier editions. The Sacred Congregation of Rites is certainly aware of the fact that the decree of Pius X on frequent and daily Communion has fortunately drawn to the Holy Table crowds of communicants; and yet the same rubric No. 5 (quoted above) has been maintained. Therefore it must be observed.

MEANING OF "VOX SECRETA".

Qu. A footnote in Wapelhorst's *Compendium Sacrae Liturgiae,* eleventh edition, 1931, page 113, says: "Quamvis probabilius hic (et in divino officio recitando) ad implendam praecepti substantiam non requiratur, ut Sacerdos se ipsum audiat, modo revera organis vocis, non mente tantum, verba pronuntiet, tamen in Consecratione et omni Sacramentorum forma pars tutior tenenda est, nempe ita pronuntiare debet ut se ipsum (secluso strepitu) audire possit."

This has reference to *vox secreta,* in which certain parts of the Mass are to be said. May one follow this advice with a good conscience, contrary to the rubrical directions of the Missal regarding the *vox secreta,* "ut Sacerdos ipsemet se audiat et a circumstantibus non audiatur"?

Resp. The footnote of Wapelhorst quoted by our correspondent is meant not to contradict but to explain the "Rubricae Generales Missalis" (XVI, 2), in which we read:

"Quae vero secreto dicenda sunt, ita pronunciet (sacerdos) *ut et ipsemet se audiat,* et a circumstantibus non audiatur". Wapelhorst is right in stating that this rubric is sufficiently obeyed if the priest really pronounces each word with his vocal organs, though he could not hear himself. This statement is based, by analogy, on the common teaching of canonists concerning the recitation of the Breviary, which must be a truly vocal prayer likewise.

KNEELING AT "ET INCARNATUS EST".

Qu. In the REVIEW for September, 1928, at page 308, we read: "The practice, introduced into this country during comparatively recent times, of kneeling during the chanting of the Credo when the choir sings "Et incarnatus est" should be abolished as contrary to the rubrics. The clergy and people kneel at that part of the Credo only on the feast of the Annunciation and at Christmas."

I had never heard of this before. Wherever I have been, the custom of kneeling at the words "Et incarnatus est" is carried out. Yet I adopted the new way. Recently I was told by an ecclesiastic that I was wrong in following the new way, because it is against the custom of the diocese and of the whole country. Since I was censured in this matter I have looked up different ceremonials, only to find all whom I consulted saying that the people and the servers kneel during the "Et incarnatus est", and on the feast of the Annunciation and Christmas the celebrant also kneels. I was not satisfied with the ceremonials I have, so I sent for the *Ceremonies of the Roman Rite* by Adrian Fortescue, who is considered, as I am informed, the most able rubrician at the present time. In this ceremonial I find the same as in the other ceremonials, namely, "Kneel during the 'Et incarnatus est'." May I ask you to point out the authority for the above assertion.

Resp. The answer given in the REVIEW of September 1928 (page 308) is based on the "Rubricae Generales Missalis" (XVII, 3 and 4). It reads: "Item genuflectit (celebrans) in die Annuntiationis B. Mariae Virginis et in tribus Missis Nativitatis Domini, quando cantatur in Choro versus 'Et incarnatus est', etc. *Aliis diebus, si sedeat cum cantantur ea verba, non genuflectit,* sed caput tantum profundo inclinat apertum; si non sedet, genuflectit. Ministri semper genuflectunt cum Celebrante." Since it is fitting that layfolk assisting at sacred functions should follow the attitude of the

clergy, the conclusion was that the people should remain seated during the chanting of the "Et incarnatus est", except on Christmas and on the feast of the Annunciation.

Nevertheless, it would be an exaggeration to condemn the contrary custom. Canon 27 of the Code admits that a legitimate custom of forty years' standing may dispense from a general law of the Church, and the Sacred Congregation of Rites (Decree No. 3965, ad 1^{um}) has acknowledged the legitimacy of such a diocesan custom, in its answer to the following question which had been proposed by Cardinal Perraud, Bishop of Autun, France: "Mos perantiquus praevaluit apud Clerum et fideles dioeceseos Augustodunensis flectendi genua in Missa, dum cantantur in Symbolo verba 'Et homo factus est'. Hinc queritur: an ejusmodi consuetudo retineri possit." The reply of the Sacred Congregation was "*Consuetudo antiqua,* de qua in casu, *servari potest*" (17 September, 1897). And we make this same answer to our inquirer. It is lawful to keep the old and general custom of kneeling during the chanting of the words "Et incarnatus est", etc.

LITANIES APPROVED FOR "PRIVATE" DEVOTION.

Qu. In what sense is *private devotion* to be taken in "Litanies approved for private devotion"? Is a priest officiating at services of the Holy Hour allowed to recite any of these aloud with his congregation?

J. B. M.

Resp. Only those Litanies which are contained in the Breviary, or in the more recent editions of the *Roman Ritual* approved by the Holy See, may be recited publicly in churches and public oratories (S.R.C., 3820).

The local Ordinary may not approve new Litanies for public recitation (Canon 1259, § 2).

Private Litanies of any kind whatsoever may not be recited by several persons together in any church or public oratory (S.R.C. 3820, 3916, 3917, 3980). This prohibition does not include the singing or reciting of these Litanies by each one privately; but the Litanies may not be sung or recited in common by several persons in choir, or in a public oratory,

even if a nuns' choir is partitioned off from the church by grills.

In the decrees quoted above, the words "public recitation or singing" mean recitation or singing by several persons in common; whereas the prayer of an individual is called private.

(See Wuest-Mullaney's *Matters Liturgical,* third edition, page 550, No. 816.)

NUMBER OF PERSONS REQUIRED AT BENEDICTION.

Qu. Is there any decree or regulation fixing the minimum number of persons that must be present at Benediction of the Most Blessed Sacrament?

Resp. There is no decree or regulation fixing the minimum number of persons that must be present at Benediction of the Most Blessed Sacrament.

The Second Plenary Council of Baltimore (No. 375) allows Benediction to be given on certain days, provided it may be done with due solemnity, "saltem quandocumque debita cum solemnitate fieri poterit". But no further determination is to be found in that statute. The matter is left to the good sense of the Ordinary or of the officiating priest. (See Wapelhorst, eleventh edition, page 288, No. 187b.)

PHOTOGRAPHING THE CONSECRATION AND ELEVATION.

Qu. Does the Church forbid or tolerate taking pictures at the Consecration and Elevation?

Resp. The Sacred Congregation of Rites, so far as we know, has neither forbidden nor sanctioned the taking of pictures by photographers at the Consecration or Elevation.

The virtue of religion objects to the obstructive and noisy manner in which some photographers set up a camera and do their work at that sacred moment. Others act in a very respectful fashion and with the praiseworthy motive of reproducing an impressive ceremony. Wholesale condemnation might be excessive.

HOLY COMMUNION ON HOLY THURSDAY, GOOD FRIDAY, HOLY SATURDAY.

Qu. May Holy Communion be given outside of Mass on Holy Thursday

(a) to those who, because of work, cannot be present at Mass?
(b) to convalescent patients in their rooms in the hospital?
(c) to patients in their rooms who are to be operated on that day?

On Good Friday:

(a) May patients who are to be operated on that day receive Holy Communion before the operation?
(b) If Holy Communion is permitted, should it be given as Viaticum?
(c) Would the type of operation affect procedure, that is, should it be a serious operation?

If there is no Mass on Holy Saturday, may Holy Communion be given

(a) to convalescent patients in their rooms?
(b) to those who are to go to the operating-room for an operation?

If Mass is said on Holy Saturday, may Holy Communion be given before Mass

(a) to convalescent patients in their rooms?
(b) to those going to the operating-room?

On account of there being no services on Holy Saturday, it is difficult for patients to wait until after Mass to receive Holy Communion.

Resp. Canon 867 of the Code provides as follows:

§ 1. It is permitted to distribute Holy Communion every day.
§ 2. But on Good Friday it is permitted only to carry the Holy Viaticum to the sick.
§ 3. On Holy Saturday Holy Communion may not be distributed to the faithful, except during the solemn services of the Mass, or immediately after the conclusion of these services.
§ 4. Holy Communion should be distributed only at the hours at which Holy Mass may be offered, unless a reasonable cause suggest the contrary.
§ 5. But the *Holy Viaticum* may be administered at *any hour* of the day or night.

Accordingly, it is lawful on Holy Thursday to distribute Holy Communion not only at the solemn high Mass, but also before, and at private Masses when these are permitted.

It would not be lawful, on principle, to distribute Holy Communion after the morning service in the church in which it was held. This might be done, however, for reasonable cause. Vermeersch-Creusen (*Epitome Iuris Canonici,* tomus II, edition of 1930, page 82, toward the end) says: "Cum celebrata functione Feriae V in Coena Domini, missae jam in eadem ecclesia dici nequeant, reipsa cessare quoque videtur ab illa hora facultas distribuendi ibi sacram communionem, praesertim cum sacrae species amovendae sint. Verum rationabilis quoque causa sufficit ut huic regulae derogetur."

In a church or oratory where no service is celebrated on Holy Thursday, it is permissible to distribute Holy Communion to anyone, in the morning hours; likewise in the wards or private rooms of a hospital where no Mass is said that day.

In a Catholic hospital which has a chapel where Mass is said on Holy Thursday, Communion should be distributed (on principle) only at that Mass or before. But let us repeat the assertion of Vermeersch-Creusen quoted above: "Rationabilis causa sufficit ut huic regulae derogetur."

On Good Friday, Viaticum alone is allowed; and this rule is to be strictly interpreted as referring to the Holy Viaticum of obligation, and not to the following Communion which a person still in danger of death might receive not fasting. "Viaticum, quod solum in Feria VI Majoris Hebdomadae distribuere licet, intelligi debet viaticum praeceptum quod primum in mortis periculo sumatur . . . ; non autem illud quod, durante periculo, laudabiliter iteratur" (Vermeersch-Creusen, same volume, page 82, No. 136).

On Holy Saturday, Communion may be administered only during Mass or immediately or soon after, as long as the moral connexion exists between the end of the morning service and the distribution of Holy Communion. It should not, therefore, be distributed in churches or oratories where Mass has not been celebrated. (See Ayrinhac, *Legislation on the Sacraments,* page 185, first lines.)

Criticisms and Notes

THE DOCTRINE OF THE MYSTICAL BODY OF CHRIST, according to the principles of the Theology of St. Thomas. Translated from the French of Abbé Anger, by the Rev. John J. Burke, C.S.P., S.T.D., General Secretary, National Catholic Welfare Conference, Washington, D. C. Benziger Brothers, New York. Pp. xxix+399.

This work was written originally by the author as a Dissertation for the Doctorate at the University of Angers in 1910. Following an academic custom, only 150 copies were printed. Gradual but distinguished recognition of its value led to many demands for republication. This was undertaken in 1928. The author has made minor modifications in the text and has added a number of valuable chapters on the social implications of his main thesis; and a significant chapter on the place of our Blessed Mother in the work of redemption. Father John Burke, C.S.P., Executive Secretary of the National Catholic Welfare Conference, has made an admirable translation of the work. Although the author's exposition is closely reasoned and its central doctrine is constantly called and recalled to mind, the translator has avoided stiffness and abstractions and has made the reading of the work a pleasure. His four pages of Introduction should be read with care by any one who wishes to understand the setting in human life—that is, in the life of the race —of the work of Redemption.

The author's Introduction goes at once to divine revelation for its background and gathers the texts on which the whole doctrine of the Mystical Body of Christ rests. He moves rapidly toward St. Thomas whose marvelous interpretations of that doctrine are discussed and elaborated with thoroughness. His agreement with the teaching of Tradition, notably of Saints Cyprian, John Chrysostom, Augustine and Cyril is shown with detailed care. The main divisions of the work are The Doctrine of the Mystical Body and Our Redemption by the Incarnate Word; The Doctrine of the Mystical Body and the Sacraments; The Church, the Mystical Body of Christ; The Mystical Body, The Fullness of Christ in Heaven. The social and moral implications of the exposition as they are related to practically every side of social life are set forth on pp. 251 to 301 in a way that illustrates a fundamental thought in the translator's Introduction on page viii.

What will a thoughtful reader find in this work? He will find one lucid philosophy of the supernatural, with the Incarnate Word

as its center. He will see a thousand details of the spiritual life brought into orderly relation in that philosophy, every detail invested with grandeur by its authentic place in the economy of the Redemption. The Mystical Body of Christ is a beautiful synthetic exposition of the doctrine and institutions that express the Divine Will in the work of the Incarnation.

In setting forth doctrines the author has avoided one fault from which Dogmatic Theology has greatly suffered. It has been thesis and demonstration and nothing else. We meet here doctrines so set forth that they live, make profound appeal, win sympathy and linger in memory as springs of action. It is not to be wondered at that the author follows in the footsteps of Saint Thomas in holding a synthentic view of every truth and making belief the prelude to living. Father Anger's work offers us not the thesis of the text book but the warmth of life, the quickened impulses of belief and devotion. One feels as much refreshed and even illuminated by the reading of it as one would in a well made retreat.

Again, this work offers a large scale on which to view the divine economy of the supernatural. Of course, we have souls and priests serve souls, aiming at their sanctification one by one. Well indeed has the poet said, " Had there been only one below, Thou wouldst have come ". But one must take care in the ministry not to lose sight of the cosmic scale on which God operates. Original sin is racial. Redemption is racial. Christ is the Head of the race. The revealed doctrine of the Mystical Body of Christ, the constitution and mission and endowment of the Church must be viewed from the standpoint of the race. No pastor in any remote and unknown village parish will know full joy of understanding or have adequate scope for his prayers and his solicitudes if he centers imagination upon the individual soul and overlooks the race aspects of Redemption. Father Anger's work sets forth the race concept of sin and of redemption with singular clearness, preserves theological and spiritual principles in their integrity and keeps race and individual in right relation in the Mystical Body of Christ.

The Divine Office, the Mass, the Liturgy, the Sacraments, are seen in this light as institutional expressions of profound spiritual concepts and they are in this way saved from the dry rot of routine. This view is by no means new to the priest. No other view has ever been presented to him. But the drift of life, the pressure of work, temperament and perhaps thoughtless attitudes do much to obscure the spiritual vision that should guide the priest. Hence this volume will do much to revive earlier memories of insight and ideal that had been touched by vision in younger days. Indifference to the whole range of Liturgy sometimes results from over-

emphasis upon service to individual souls and failure to see the Church as the Mystical Body of Christ offering structure to the work of Redemption of the race.

Reference notes were at first found a little inconvenient. They are placed at page 360 to 390 and the reference numbers are given for chapters. Unless one knows the Part and Chapter that one is reading, one must turn back to find both in order to identify the references. The reviewer found it convenient to place a book mark among the notes at the place indicated by the Part and Chapter that is being read. The work has a blessed message for every priest.

THE LIVES OF THE SAINTS BY ALBAN BUTLER. Vol. III (March). Edited by Herbert Thurston, S.J. New York: P. J. Kenedy & Sons.

The work of correction of Alban Butler's Lives of the Saints progresses, and this third volume bears the same superscription of intelligence and scholarship as the two preceding volumes, as indeed everything does that comes under Father Thurston's hand. It is true the old work needed revision badly; were Alban Butler alive to-day he would probably be the first to cull his own faded flowers, to shear away the baroque rhetoric that swells his perorations, blown with the same breeze that may be seen billowing the robes of eighteenth century prelates in the windless air of old engravings.

Yet much of the individual bouquet of the original has been preserved, and it is good to roll it languorously on the tongue again, like the liberated pale sunlight of Chateau Yquem, gracious and fugitive. For fleeting and like winter sunlight though it be, there is nevertheless quite as real a Catholic eighteenth century as a Protestant one. One is reminded of the Catholic tradition, slender though it be, when he remembers old Mrs. Pope leaving the room abruptly so as not to hear the blasphemies of Voltaire; when he recalls that it was the day of Bishop Challoner and prayerbooks like The Garden of the Soul; of Mrs. Thrale's marriage to an Italian Catholic and Garrick's to an Austrian one, of Doctor Samuel Johnson's "respect" for the old religion; of the Sardinian Chapel; of Boswell's secret conversion to Catholicism; of Maria FitzHerbert, and of the Benedictines coming home from Douay to found Downside after three hundred years of exile, bringing with them the blue vestments they still wear for the feasts of Our Lady. Tenuous and uncertain as it was, it could still have an existence because across the strip of channel stood centres like St. Omer's.

In the winter weather of that day before the Second Spring, Alban Butler, President of St. Omer's, was a lesser lion to the

great Doctor himself only because it was, first of all, an age of lions; and secondly, because he was the spokesman of a defeated group, like himself, largely expatriate. He was the personal friend of many of the great men of his age. His correspondents included Church of England dignitaries like Robert Lowth, Bishop of London, and Italian Cardinals, such as Prosper Lambertini, who later ruled as Pope Benedict XIV. He was so highly valued as a man of affairs as to be made vicar general of five French dioceses.

The surprising thing, of course, is not that the Lives should need revision, but that it should be possible to correct and bring them in line with modern historical writing at all. It would be impossible to do as much for Burnet and Hume; and it would be exceedingly difficult to-day to treat Gibbon as anything but pure literature. The lunatic, the lover, and the historian of the eighteenth century were of imagination all compact. Anything like historical imagination was still better than three generations away. But Butler, out of touch with so much of English insolence and insularity, builded on the labors of the Bollandists, and hence builded to last. And so he became, of all English historical writers the first to write with a modern point of view.

This is more than a mere point of view. A century later, as Father Thurston notes, when Baring Gould came to write his own Lives of the Saints, he found it convenient to lift whole passages from Butler without the least hint of indebtedness. Sometimes the borrowings are slightly modified, sometimes they are left completely unchanged, even to the arrangement of the paragraphs. Indeed Baring Gould refers only once by name to Butler, and then only to say, " My line is somewhat different from his." One is far from questioning the merit and originality of the greater part of Baring Gould's work, yet the indebtedness is one of the unexpected tributes to Butler to be met with in unlikely places.

Miss Norah Leeson, Father Thurston's collaborator, has rewritten such of the biographies as called for detailed correction, and added those of many new saints, such as St. John of the Cross, St. Clement Mary Hofbauer, and the Jesuit Martyrs. Following each vita is a section indicating the best scholarly sources for more formal study and reading. Hence the new Lives are adapted to a much broader range of usefulness than were ever the old. Always a mine of spiritual gold for religious reading, they may now rightfully demand a place on the shelf of any first-class historical or literary scholar. Any one who knows the high intellectual standards of Father Thurston, his deep spirit of religion and his right reverence for fact will know that the revised edition of these famous old Lives is now made the material for a double joy.

IMPRESSIONS OF A PILGRIM. By A. J. Francis Stanton. New York: P. J. Kenedy & Sons.

There are certain family likenesses about all convert books; they are sacred Odysseys that manage to come home at last to Ithaca and the plum trees, or else tales of sea-worn wanderers whose keels finally ground upon the sandy shores of Latium. Yet nothing makes for more exhilarating reading than spiritual autobiography. The stamp of intense living is on writing of this sort, and generally it is the stamp of a very rich and noble humanity. Nor is it odd that English letters should be so liberally supplied with it, from the luminous reasoning of that unread masterpiece, Dryden's Hind and the Panther, to the best known pages of Newman, and Father Knox's distinguished Æneid.

Mr. Stanton gives us points of view at different stages of the road rather than a complete record of the whole journey. Written with what strikes us as a more intimate knowledge of the Nonconformist background than is customary in convert literature, and in a direct, chatty style with not a little humor, he sketches the quiet beauty of Anglican services, the hysteria of Welsh revivals "singing away their passion for holiness," comments dryly on the liturgy of handshaking that holds so prominent a place in many Protestant euchologies, and provides a sheaf of intriguing stories about the gentle, random, unconvinced and happy-go-lucky types that pass through every clergyman's experience. The book ends with a moving tribute to Our Lady as the Mediatrix of all Graces.

Americans will be especially interested in Mr. Stanton's prophecy of the future of religion in England. "It is my faith," he says, "that England will return to the Faith, and that she will become a missionary country to the world."

LE PERE HUGON. Par l'Abbé Hugon. Paris: Pierre Téqui. 1930. Pp. 143.

Few modern theologians and philosophers have won the same meed of esteem as did Père Hugon. The share of the learned Dominican in the labors of the various Roman Congregations, the clarity and profundity of his theological and philosophical knowledge and his readiness to impart that knowledge are well known even in America. What is not so well known, however, is that simple and solid piety, the utter unpretentiousness that made him loved so greatly by all who knew him. Born of peasant stock, he had that sturdiness in the faith, that sanity of outlook in spiritual matters which seem to be its prerogative. Few were permitted to

know Père Hugon as a spiritual guide compared with the thousands to whom he was the great theologian. Hence this volume of his brother will be of value. Sympathetically written though it is, it is necessarily inadequate as a life of a great mind and soul, but it will be most welcome till a longer study can be prepared.

In addition to the splendid panegyric on Père Hugon, the work of no less a theologian and spiritual master than Père Garrigou-Lagrange, there is a short article on " Le rôle de la douceur dans la vie spirituelle ", which his own life fully exemplified, and an unpublished sermon on obedience.

LA RAISON: Regle de la Moralité d'après St. Thomas. By Leonard Lehu, O.P. Gabalda, Paris. 1930. Pp. 264.

The distinguished Father Lehu proposes in this lucid book to expose the view of St. Thomas on the all-important question of the proximate rule of morality. He is pressed into such a task by the unacceptable views of this question held by P. Elter and Dom Lottin. One would look for only a masterful presentation from such an author and one is not disappointed. It is a question that looms up with increasing importance in the field of ethics and sociology to-day and the author of this volume has made a valuable contribution to the growing literature on the subject. He shows by a carefully mobilized array of texts from the Angelic Doctor that the proximate rule of morality is " recta ratio ", interpreted not in the sense of human nature, nor as the substantial form of man, but as a series of reasonings that concludes in a judgment as to what should be done or omitted in any particular case.

This treatise is by no means the last word on this important question, but it has done much to present the real mind of Aquinas on a fundamental problem of ethics.

INTRODUCTION TO THE THEOLOGICAL SUMMA OF ST. THOMAS. By Dr. Martin Grabmann. Authorized translation from the second, revised and enlarged edition of the original German by John S. Zybura, Ph.D. B. Herder, St. Louis. 1930. Pp. 220.

Dr. Martin Grabmann is perhaps the greatest living authority in his field. He has done more than any other scholar to unearth the sources of Scholastic philosophy and theology. His painstaking research and tireless investigation have endeared him to every one who values the historical approach to the study of Scholastic principles. His sound scholarship has won for him unusual appreciation of his Church. In no field does Dr. Grabmann seem to be so pre-

eminent as in the history of the origins of Thomism. While familiar with the entire range of the writings of the Angelic Doctor, he is most authoritative when he deals with the *Summa Theologica.*

In the original German, both the first and the second edition of the *Introduction to the Theological Summa of St. Thomas* have been well known and highly prized by scholars. It has done tremendous service in the revival of interest of Thomism in general and of the *Summa Theologica* in particular. In the first chapter Dr. Grabmann deals with the development of theological *summae* up to the time of St. Thomas, and then deals successively with the origin of the Thomistic *Summa*, the chronology of the different parts, the relation of the *Summa* to the other philosophical and theological writings of Aquinas and the history of the commentaries. The second chapter is the backbone of the work. It presents the terse and classical prologue of the *Summa* in its historical setting and analyzes the steps by which St. Thomas accomplished his purpose of writing for beginners a theological manual that would avoid superfluous questions, arguments and articles, would eschew intricacy and confusion in the arrangement of subject matter and would avoid useless repetitions. The third chapter is a very practical statement of the methods by which the *Summa Theologica* may be used with the greatest profit. This presentation by a scholar as expert and as practical as Dr. Grabmann is an inspiration. The concluding chapter is a general explanation of the structure and content of the *Summa Theologica.* This task has been done by others equally well, but the present synthesis is a satisfying closing for the book.

The translation of the book by Dr. Grabmann could be entrusted to no more capable translator than the scholarly Dr. Zybura. His translation of this work is, in itself, classical. This perfection is evident not only in the choice of expressions but also in the wealth of footnotes and references for which the translator is responsible. No ecclesiastic should be without this book.

ESTUDIOS FILOSOFICOS. R. P. Fr. Pedro Lumbreras, O.P., Ph.D., Lit.D. Madrid. 1931. Pp. viii + 116.

This volume is the first of a series of philosophical studies begun by the Biblioteca de Tomistas Españoles. It comprises three studies made by Fr. Peter Lumbreras, O.P., well known among the philosophers of the United States and formerly a professor of philosophy at the University of Notre Dame. The first dissertion is a résumé of the author's larger work, *De Dubio Methodico Cartesii* and appeared originally in *La Ciencia Tomista.* It establishes the author as a profound and subtle thinker. The second study of this volume

is " Fray Tomas Campanella y la Duda Metodica del Renacimiento." This also is a reprint of an article that appeared in *La Ciencia Tomista.* The third study is " El Tomismo, Filosofia Catolica Oficial ", which is a reprint of articles and discussions carried on in American periodicals by the author on the occasion of the promulgation of the twenty-four fundamental theses of St. Thomas's philosophy. Students of philosophy will welcome the opportunity to secure these excellent contributions in their present form.

LITURGICAL LAW: A HANDBOOK OF THE ROMAN LITURGY. By the Rev. P. Charles Augustine, O.S.B., D.D. St. Louis: B. Herder Book Company. 1931. Pp. xv + 465.

This is a generally satisfactory treatment of the subject, certain to prove useful to those who prefer or are obliged to gain their knowledge from works in English rather than from works in Latin. The arrangement is methodical and clear. However, the present reviewer feels that there are some minor points in which the author has not quite attained perfection. For instance.

The paragraphs on the validity of ordination (pp. 414 ff.) belong to Sacramental Theology rather than to Liturgy and their inclusion here seems not consistent with what the author says at p. viii: " We have endeavored to leave the administration of the Sacraments, except the Holy Eucharist, and of the Sacramentals, to pastoral theology." On the other hand, the parts relating to altar and to vestments might be somewhat extended. The reader can hardly rest content with so summary a dismissal of an important topic as, " A few decades ago the so-called Gothic chasuble found favor in some countries, including the United States " (p. 53). And at p. 36 we read: " The cross should not be placed before the door of the tabernacle, but may be placed above it." This sounds like an approval of the abuse, so widespread, of constructing over the tabernacle a cupola and putting the cross there. His remarks on lace on the pall and the purificator (p. 48) will not meet with universal acquiescence. At p. 41 we read: " Concerning the material of which the tabernacle is to be made, there are no rigid rules ", and then on the next page: " The material of the tabernacle should be wood." At page 68: " Whenever the use of the organ is forbidden, the harmonium and piano are also prohibited." This suggests that the piano is permitted when the organ is. The wording of this sentence may be only a result of a certain tendency to carelessness in language observable elsewhere in the book. For instance: " A rebirth of art began in the Renaissance, which grew luxuriously [sic] under the sunny sky of Italy " (p. 22), and " immemorable [sic]

custom" (p. 24). Probably the most amusing instance of this fault is found at page 189, where we encounter the astounding statement that there is hardly any dawn in the polar regions! In those parts of the earth the dawn lasts for weeks, which is not exactly the same as having "hardly any". A well-known passage of "The Ancient Mariner" will recall that the regions which have hardly any dawn or twilight are those on or about the Equator.

Since the work was published during 1931 the author can not be blamed for saying that "no critical edition [of the *Ordines Romani*] is known to us" (p. 16). M. Andrieu of the University of Strasburg brought out last year the first volume of *Les Ordines Romani du Haut Moyen Age* and the second volume (containing the texts) will soon follow.

The phrase "Latin Rite" is hardly admissible (pp. 10 and 12). There are several rites in Latin, as the author himself suggests on page 11. "Roman Rite" is what he means.

P. 27, note 33: "There are certain conditions attached to saying Mass on board ship." Quite true—and a book like this ought to give them.

P. 28: "In semi-public oratories . . . the priest . . . must use the diocesan calendar or directory." What about the Sulpician Ordo and Proper?

It is not true that in the United States the Sanctus Bell is used only "in some German churches" (p. 38).

But to protract this sort of criticism would be unfair, since it would tend to create the impression that the reviewer is not pleased with the book, whereas in fact he wishes, with the above and a few similar reservations, to commend it. A competent professor can easily offset the defects, none of which is serious.

THE WESTMINSTER VERSION OF THE SACRED SCRIPTURES. THE NEW TESTAMENT. VOLUME IV. Longmans, Green and Co., London. Pp. 220.

This volume completes the Westminster Version of the New Testament which is so ably edited by the English Jesuits. The version is a new translation made from the original Greek and in many ways surpasses the present English version. The volume contains the Epistle to the Hebrews by the Very Rev. Canon Patrick Boylan, M.A., D.Litt., D.D., the Pastorals, Johannines and the Apocalypse by the Rev. Francis Gigot, S.T.D., and the Epistles of SS. James, Peter and Jude by the Rev. W. H. Kent, O.S.C. There is a concise and satisfactory introduction to each book. A brief summary of the contents is prefixed to each book and then follows

the translation with explanatory notes at the foot of the page. In an appendix two important difficulties are discussed, namely, the Brethren of the Lord and the interpretation of the sixth verse of Jude. The work gives one a clearer insight into the meaning of the Epistles' meaning, and consequently it should be in the hands of those who wish to understand the New Testament better.

MANUEL D'ETUDES BIBLIQUES. By Abbé Lusseau and Abbé Collomb. Tome V (IIe Partie) Pierre Téqui, Paris. Pp. 565.

This Biblical handbook is not only an introduction to but an explanation of the New Testament. Too much time is often given to special introduction and too little to exegesis. The authors of this volume avoid this mistake. While sufficient space is devoted to such questions as authenticity, canonicity, date, etc., the authors devote most of their work to analysis and explanation of the text. The text is not reproduced verbatim nor is it explained word for word, but a great part of each volume is given over to a brief and thorough exegesis of the more important passages. Thus is spanned the chasm which has too long existed between introduction and exegesis. The first part of the *Manuel* to appear is the fifth volume, which is divided into two parts. The second part comments on the later Epistles of Saint Paul, the Catholic Epistles and the Apocalypse. Each Epistle is preceded by a special introduction. Then follow a division and an explanation of the entire text. It is also worthy of note that prominent position is given to conclusions that are fixed; hypotheses and theories are relegated to the background. The student can see at a glance what is certain, what is probable, and what is doubtful. The work is clear and readable and should be well received.

Literary Chat

If, as is sometimes said, the faults of children are a commentary on the methods of parents, the education of these is a proper object of our solicitude. The rapid development of parent education is a hopeful feature of present day life. It is about time to give up the assumption that the most difficult task in the world may be undertaken with no preparation for it. Parents are sometimes discouraged by the highly technical and complicated theoretical directions given by psychologists. They are perhaps encouraged to read when every day experiences are dealt with in popular language. An admirable pamphlet of 32 pages by Dr. Edgar Schmiedeler is of this kind. (*Parent and Child.* Social Action Department, N.C.W.C., The Paulist Press, 401 West 59th Street, New York City.) Pastors would do well to keep copies of this little study in their pamphlet racks and encourage parents to examine the domestic conscience under its guidance. The amount of harm to children done unconsciously by parents is

beyond measure. That pastors might do much to enlighten them and protect children, whatever the method adopted, is beyond question.

Father Martin J. Scott, S.J., Litt.D., gives us in his recent volume, *Happiness,* a pleasant commentary on Catholicism and Catholics and human nature. (P. J. Kenedy and Sons, New York; pp. 201.) The reader will meet here a spirit of understanding, due allowance for human frailty, an appeal to one's better self, and a restatement of Catholic idealism in simple and effective language.

The Rev. G. Sagehomme, S.J., has recently published a volume that must have required infinite labor. It is an alphabetical list of 7000 authors and their works with a brief estimate of their character, under the headings: for children, for everyone, for the youth, doubtful, dangerous, evil. (*Répertoire Alphabétique de 7000 Auteurs,* avec indication de la valeur morale de leurs 32,000 ouvrages.—Romans et Pièces de Théatre, Casterman, Tournai—Paris.)

The Franciscan Herald Press, 1434 West 51st Street, Chicago, has reprinted the life-story of Margaret Leteux which appeared originally in its columns as a serial. (*Maggie,* by Father Marion Habig, O.F.M.; pp. 215.) The heroine was a Belgian girl born in 1892. She died in 1916. Her story was written first by her brother, Father Martial, O.F.M. The present work is an adaptation of that biography. The Life appeared in French. It was translated into German and has gone through many editions.

Father William Busch, of St. Paul Seminary, continuing his activity in service of Liturgy, has translated *The Art-Principle of the Liturgy,* by Dom Ildefons Herwegen, Abbot of Maria Laach, from the fifth German edition. (Popular Liturgical Library, Series I, No. 6, Collegeville, Minnesota; pp. 42.) It is a brief sketch of liturgical forms with a running commentary on the esthetic principles involved. "While in every work of art its form or contour is the chief thing, a study of its coloring and modeling in detail is necessary in order that its full vital value may be appreciated. But my concern has been chiefly to illustrate the working of the formative art-principle, the idea of transfiguration, and to show how it gives to the Liturgy its grandeur and its monumental proportions." Only they who succeed in appreciating the secrets and the functions of beauty in human life will approach to an understanding of the Liturgy. Present day life is working havoc to the interests of beauty. Some aspects of the problem were discussed in the REVIEW, November, 1927, pp. 495 ff.

The publishing house of H. Dessain of Malines has brought out a new edition of the *Officium Hebdomadae Sanctae* in conformity with the latest typical editions of the Breviary and the Missal.

Those who have in the past found springs of laughter and release from strain in the writings of T. A. Daly will wish to know of his new volume *McAroni Medleys.* (Harcourt, Brace & Co., New York; pp. 119.)

The Rev. Albert Rung has published a booklet of 86 pages in which he calls attention to a large number of the minor courtesies of life which should not be underrated. They refer to personal appearance, street and table manners, conversation and other aspects of social life that have real cultural value. It requires some courage to do a task like this, but the author has not lacked that courage. The recent change of form of address to Archbishops and Bishops occurred too late to be included in the author's chapter on the proprieties of correspondence. (*Clerical Courtesy,* The Bruce Publishing Co., Milwaukee.)

Father Honoratus Bonzalet, O.F.M., has brought out the fourth edition of Father Louis Anler's *Pastoral Companion.* (The Franciscan Herald Press, 1434 West 51st Street, Chicago; pp. 205.) The contents are arranged in relation to the five sacraments administered in the course of

ordinary parish life. In addition, attention is given to indulgences, faculties of priests, faculties of the Apostolic Delegate, Third Orders, and canonical standing of religious in relation to the sacred ministry. The number of editions through which the work passed rapidly is a sufficient testimony to its merit. It is to be lamented that the work did not appear late enough to include an explanation of the new indulgences attached to the Way of the Cross.

St. Joseph in the Life of Christ and of the Church, written originally by Father Meschler, S.J., translated from the German by Father Andrew Ganss, S.J., and edited by the Rev. Adam C. Ellis, S.J., comes to us from the B. Herder Book Co. It is a volume of 140 pages. In view of the limited number of sources of positive information concerning St. Joseph, varied and thorough scholarship is needed to construct a smoothly running narrative and interpretation. It is the merit of Father Meschler's work to have accomplished this. Perhaps Chapter XIV, The Model of the Hidden and Interior Life, confined to five pages, illustrates the care with which the author has done his work. This care is shown strikingly in the reserve which the author holds against those whose exaggerated claims concerning St. Joseph makes little appeal to him. This is seen clearly in his Preface. Those who cultivate an active devotion to the Foster Father of our Lord will count the author of this little work among their spiritual benefactors.

Brother Ernest, C.S.C., has done a service in compiling and presenting in a volume of 171 pages brief accounts of sixty-three communities of Brothers in the United States. The work is done in a business-like manner that one likes to see. No time is wasted in unnecessary information. The sketches are short. Some of them do not exceed a dozen lines. This brevity is due to lack of coöperation by one or another community. (*Our Brothers,* Scott, Foresman & Co., Chicago, New York.) It is natural and therefore not surprising that we lack information concerning brotherhoods with which we have no contact. On the chance that a pastor may be asked to direct a young man in determining his vocation, this little work would be of great help as regards vocation to the brotherhoods.

The America Press publishes a most useful catechism according to the Encyclical *Casti Connubii* of Pius XI. (*What is Marriage?* By Arthur Vermeesch, S.J., Professor of Moral Theology in the Gregorian University, Consultor to the Sacred Congregation of the Sacraments. Translated by the Rev. T. Lincoln Bouscaren, S.J., Professor of Canon Law, Mundelein Seminary; pp. 77.) Whatever the pedagogical judgment of the catechetical method, it suits admirably the purpose of the author in this case. The essential points of the Holy Father's teaching are set forth. The distinguished author's explanations are directly to the point. An approach to the catechism with a view to understanding rather than recitation paves the way for the service that it is intended to render.

Father James, O.M.Cap., Ph.D., has published a volume of 200 pages in which he constructs a rounded interpretation of the spiritual life, centering it upon the Blessed Eucharist. (*The Sacrament of Life,* B. Herder Book Co., St. Louis.) This is the fourth volume of the author's, dealing with problems of the spiritual life.

We have had occasion in the past to suggest a sort of minor canonization which would preserve the story of lives in which Catholic idealism had been singularly effective in our day and in our circles. We are reminded of the thought after reading *The Story of Antoinette Margot,* by the Rev. Thomas D. Williams. (John Murphy Company, Baltimore, 1931; pp. 216.) Born of Swiss parents, Miss Margot spent her early years in Lyons, a neighbor of the Curé of Ars. She had been reared in the strict observance of Protestant faith in a Huguenot family. As a young woman Miss Margot won recognition as an artist. When the war between France

and Germany broke out in 1870 she gave up her art studies and became a volunteer nurse on the field of battle. There she met Clara Barton, founder of the Red Cross, and the two became intimate friends. After the Franco-Prussian war, Miss Margot went through a period of unhappy religious doubt. The chance mention of the name of the Curé of Ars reminded her of a miracle of healing performed at his tomb that had come to her notice when she was a young woman. Her conversion followed shortly thereafter and her subsequent life took on a heavenly beauty and impressive simplicity.

Miss Margot had remained in constant correspondence with Miss Barton, and in 1885, at the latter's suggestion, she came to America. She lived in a suburb of Washington near the Catholic University until her death. The story of her life is written by her spiritual director who enjoyed an unusual opportunity to see and describe a life lovely by natural traits and divine grace.

A Propos d'un Livre sur la Cène is a reprint of an article by the distinguished Jesuit Father De La Taille in *Gregorianum*, Vol. XI, 1930. It is a reply to a work sustaining the thesis of two distinct sacrifices in the Last Supper and the Cross. The author of the article strives vigorously to sustain his well-known contention which was set forth in his *Mysterium Fidei* and in these pages, and which is still the subject of vigorous controversy.

Two numbers of the *Florilegium Patristicum*, Fasciculus XXV and XXVI, are of much interest. The former contains the Quaestiones of the celebrated Master Eckard whose views attracted much discussion in the days of the schoolmen. Some of his tenets have been reprobated by the Holy See.

The second number reproduces the critical texts of St. Bonaventure, Alexander of Hales, Richard of Mediavieca, William of Ware and Duns Scotus on the causality of the Sacraments. The editor, Fr. Willibrod Lampen, O.F.M., believes that the conflicting opinion of theologians concerning the teaching of the Franciscan school is due to the use of inaccurate texts.

The coöperation of the clergy with official and volunteer efforts to combat unemployment has been asked and in creditable measure given. Mr. Gifford, Director of the President's Organization on Unemployment Relief, has asked that work for the protection of childhood be the last to be affected by measures of economy. May Day of 1932 will give voice to our national concern in this work. The American Child Health Association has issued a pamphlet containing suggestions for those who may wish to serve the interests of the nation's children by preaching or otherwise. (450 7th Ave., New York City.)

Books Received

SCRIPTURAL.

COMPENDIUM, INTRODUCTIONIS IN SACROS UTRIUSQUE TESTAMENTI LIBROS, Auctore P. Hildebrando Höpfl, O.S.B., Lectore Exegeseos in Collegio S. Anselmi de Urbe. Vol. II: Introductio Specialis in Libros V. T. Vol. III: Introductio Specialis in Libros N. T. Editio tertia. Apud Auctorem in Collegio S. Anselmi de Urbe. 1931. Pp. 364 et 482. Pretia: *Lit.* 30 et 35.

JÉRUSALEM À TRAVERS LES SIÈCLES. Histoire, Archéologie, Sanctuaires. Par le P. Léopold Dressaire, des Augustins de l'Assomption. Avec 63 gravures. Maison de la Bonne Presse, Paris-8e. 1931. Pp. vi—544. Prix, 31 *fr.* 65 *franco.*

THEOLOGICAL AND DEVOTIONAL.

THE THIRD SPIRITUAL ALPHABET. By Fray Francisco de Osuna. Translated from the Spanish by a Benedictine of Stanbrook. Introduction by Father Cuthbert, O.S.F.C., with Notes showing the influence of the book on St. Teresa. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1931. Pp. xxxvi—490. Price, $3.75 *net.*

EVOLUTION AND THEOLOGY. The Problem of Man's Origin. By the Rev. Ernest C. Messenger, Ph.D. (Louvain). Preface by Father Cuthbert Lattey, S.J., M.A., Professor of Fundamental Theology at Heythrop College. Introduction by the Very Rev. Dr. Souvay, C.M., D.D., D.S.S., President of Kenrick Seminary. Macmillan Co., New York. 1932. Pp. xxiv—313. Price. $2.50.

ST. AUGUSTINE. By Heinrich Hubert Lesaar. Translated from German by T. Pope Arkell. Benziger Brothers, New York, Cincinnati, Chicago, San Francisco. 1931. Pp. xiii—280. Price, $2.70 *net.*

THE LIFE OF VENERABLE MARGUERITE BOURGEOYS, Foundress of the Congregation de Notre Dame of Montreal. P. J. Kenedy & Sons, New York. 1932. Pp. xiii—231. Price, $3.00.

WHY MUST I SUFFER? A Book of Light and Consolation. By the Rev. F. J. Remler, C.M., author of *Supernatural Merit, The Eternal Inheritance, Conversations on Vocations, The Gospel for the Laity.* Franciscan Herald Press, Chicago. 1932. Pp. 91. Price, $0.30.

UNDER HIS SHADOW. Devotional Studies in the Sacred Passion of our Lord Jesus Christ. By the Rev. Francis Shea, C.P. Sign Press, Monastery Place, Union City, N. J. 1931. Pp. ix—242. Price, $1.60 *postpaid.*

MY MISSAL. For Sundays and Feasts. An Explanatory Missal with an Appendix of Devotional Prayers. By Abbot Fernand Cabrol, O.S.B. New large-type edition. P. J. Kenedy & Sons, New York. 1931. Price, $1.75.

OUR GUARDIAN ANGELS. By the Rev. Joseph Husslein, S.J., Ph.D., Editor-in-Chief of *Science and Culture Series.* Paulist Press, New York. Pp. 30. Price, $0.10; 20 copies, $1.00; $3.50 a hundred; $30.00 a thousand.

MY FIRST GIFT. The Child's First Mass Prayers. By Sister Mary Ambrose, O.P., author of *My Gift to Jesus, My Gift to Mary*; co-author of *The New Missal, Christ's Gift, The Mass.* D. B. Hansen & Sons, Chicago. 1931. Pp. 32.

CONCILII TRIDENTINI DIARIORUM, Partis Tertiae Volumen Prius. Aistulphi Servantii, Philippi Musotti, Philippi Gerii, Gabrielis Paleotti Scripturae Conciliares, collegit, edidit, illustravit Sebastianus Merkle. Nova Collectio edidit Societas Goerresiana, promovendis inter Germanos Catholicos Litterarum Studiis. B. Herder Book Co., Friburgi Brisgoviae and St. Louis. 1931. Pp. viii—762. Price, $17.00.

THE GOLDEN CHAIN OF TRUTH. By F. Hendrichs, S.J. Translated from the Dutch by J. H. Gense, S.J., Ph.D. Brepols' Catholic Press, Turnhout, Belgium. 1931. Pp. 230. Price, 1/- or 1/6.

ST. FRANCIS XAVIER, APOSTLE OF THE EAST. By Margaret Yeo. Macmillan Co., New York. 1932. Pp. ix—325. Price, $2.25.

LA TRINITÉ — HISTOIRE, DOCTRINE, PIÉTÉ. Par le Fr. Valentin-M. Breton, o.f.m. (*Bibliotheque Catholique des Sciences Religieuses.*) Bloud & Gay, Paris. 1931. Pp. 239. Prix, 12 *fr.*

WHY LEAVE HOME? By Daniel A. Lord. Queen's Work, St. Louis. 1931. Pp. 32. Price, $0.10; 50 copies, $4.00; $7.00 a hundred.

DAMIEN OF MOLOKAI, 1840-1889. By Irene Caudwell. Macmillan Co., New York. 1932. Pp. xii—203. Price, $2.00.

THE SACRAMENT OF LIFE. By Father James, O.M.Cap., M.A., Ph.D., D.Litt., Agrege en Philosophie a l'Universite Catholique de Louvain. Sands & Co., London and Edinburgh; B. Herder Book Co., St. Louis. 1931. Pp. 199. Price, $1.85 *net.*

L'ÉTAT—CONCEPTION PAÏENNE, CONCEPTION CHRÉTIENNE. Par E. Magnin, professeur honoraire de Droit Canonique à l'Institut Catholique de Paris, Curé de Saint-Séverin. (*Bibliothèque Catholique des Sciences Religieuses.*) Bloud & Gay, Paris. 1931. Pp. 163. Prix, 12 *fr.*

JOANNIS A SANCTO THOMA O.P. CURSUS THEOLOGICI TOMUS PRIMUS. Opera et Studio Monachorum Quorumdam Solesmensium O.S.B. editus, in quo quid contineabatur Versa Pagella indicabit. Typis Societatis S. Joannis Evangelistae, Desclee & Sociorum, Parisiis, Tornaci, Romae. 1931. Pp. cviij—559. Pretium in Lib. gallicis (*frs. fr.*): 150.

PRATICA DELL'ORAZIONE MENTALE, Parte I. P. Mattia da Salò, O.M.Cap. Introduzione ed edizione critica del P. Umile de Genova, O.M.Cap. (*Bibliotheca Seraphico-Capuccina.* Cura PP. Collegii Assisiensis S. Laurentii a Brundusio Ord. Min. Cap. edita.) Collegio S. Lorenzo da Brindisi dei Minori Cap., Assisi. 1932. Pp. liv—309.

MOMENTS WITH GOD. By the Rev. Edward F. Garesché, S.J. Bruce Publishing Co., Milwaukee. 1931. Pp. xiii—207. Price, $2.00.

THE SHADOW OF THE POPE. By Michael Williams, Editor of *The Commonweal.* Whittlesey House, McGraw-Hill Book Co., Inc., New York and London. 1932. Pp. xi—329. Price, $3.00.

L'ENFANCE DU CHRIST ET SA VIE CACHÉE. Par l'Abbé Félix Klein. (*Bibliotheque Catholique Illustree.*) Paris: Bloud & Gay. 1931. Pp. 56. Prix, 5 *fr.*

OFFICIUM MAJORIS HEBDOMADAE et Octavae Paschae a Vesperis Sabbati ante Dominicam in Palmis usque ad Missam Sabbati in Albis cum Cantu juxta Ordinem Breviarii, Missalis et Pontificalis Romani. Juxta Editionem Typicam Vaticanam. Mechliniae: H. Dessain. 1932. Pp. viii—797.

THE BLESSED FRIEND OF YOUTH, Blessed John Bosco. By Neil Boyton, S.J. Foreword by the Hon. Alfred E. Smith. Macmillan Co., New York. 1932. Pp. 218. Price, $1.00.

MAGISTRI IOANNIS DE RIPA O.F.M. DOCTRINA DE PRAESCIENTIA DIVINA. Inquisitio Historica. Auctore Hermanno Schwamm, Dr. Theol. et Phil., Mag. Aggr. Fac. Theol. Pont. Universitatis Gregorianae. (*Analecta Gregoriana,* Fasciculus I.) Romae: in Pontificia Universitate Gregoriana. 1930. Pp. xi—227.

DE ESSENTIA SACRAMENTI ORDINIS. Disquisitio Historico-Theologica. Auctore G. M. Card Van Rossum, C.SS.R. Editio altera. Fridericus Pustet, Romae. Pp. 242. Price, 15 *Lire.*

CATÉCHISME ILLUSTRÉ. Par un groupe de pères et de mères de famille. Illustrations de V. Livache. Maison Alfred Mame & Fils, Tours et Paris–6e. 1931. Pp. 169. Prix, 8 *fr.* 50.

SERMONS. By the Rev. P. C. Yorke, D.D. San Francisco: Text Book Publishing Co., 21 Washburn. 1931. Pp. 324 and 334.

LA VIE, LA VIVRE, LA RAYONNER. Par M. l'Abbé Maurice de Backer. Gabriel Beauchesne, Paris; Editions de La Cité Chrétienne, Bruxelles. 1931. Pp. 185. Prix, 15 *fr.*

PRÉCIEUX TRÉSOR DES INDULGENCES. Petit Manuel à l'Usage du Clergé et des Fidèles. Par le P. J. Lacau, S.C.J., Docteur en Droit canonique. Deuxième édition revue et augmentée conformément aux dernières décisions du St.-Siège. Marius E. Marietti, Turin et Rome. 1932. Pp. xv—481. Prix, 15 *frs.*